

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 6 July 2020

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference FS50896546, for a decision whether a request for information made by the complainant to the Commissioner of the Metropolitan Police Service on 15 October 2019, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. On 15 October 2019 the complainant made the following request for information under the Act (via the “*What do they know?*” website):

“According to this Tweet (with video) you have been doing stop and ID checks on Lambeth Bridge, London.

<https://twitter.com/alexjarmitage/status...>

REQUEST.

Disclose the police Order, request, guidance etc. or similar which led to these stops. The name of the officer should not be redacted.

State if MPS was recording any details on paper, video etc.

State which statute or common law allows you to stop and demand I.D. in such a situation - i.e. Terrorism Act 2000.

How many people were arrested for failing to I.D.?

How many times have you done a similar operation in the last 30 days in MPS area?”

3. On 3 December 2019, the MPS responded. It refused to provide the requested information and cited the following exemption as its basis for doing so: section 14(1) (vexatious request).
4. The MPS provided an internal review on 9 December 2019 in which it maintained its position.
5. On 10 December 2019, the complainant wrote to the Commissioner to complain about the response.
6. On 12 February 2020, the Commissioner wrote to the MPS raising various queries to assist with her investigation of this complaint. At the time of writing this notice, she has received no response.

Information required

7. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the MPS shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information.

8. The MPS is required to respond to the enquiries in the email which the Commissioner sent to it on 12 February 2020, namely:

“Section 14 – vexatious requests

In determining whether a request is vexatious, the ICO believes that the key question which public authorities need to consider is whether complying with the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. Where this is not clear, public authorities should weigh the impact on the authority and balance this against the purpose and value of the request. Where relevant, public authorities will need to take into account wider factors such as the background and history of the request.

The ICO has published [guidance](#) on applying section 14(1) of FOIA which includes information on how to apply to this balancing exercise. You are strongly advised to review this guidance before responding to this letter.

*As this guidance explains, when determining whether section 14(1) has been applied correctly the ICO will primarily look for evidence that the request would have an **unjustified** or **disproportionate** effect on the public authority.*

Therefore, in light of this please explain why in the circumstances of this case the MPS relied on section 14(1) to refuse the request. Your response should include:

- Details of the detrimental impact of complying with the request;*
- Why this impact would be unjustified or disproportionate in relation to the request itself and its inherent purpose or value;*
- And, if relevant, details of any wider context and history to the request if the MPS believes that this background supports its application of section 14(1). Please provide any relevant documentary evidence / background evidence to support such a claim.*

... Having revisited the request, you may decide to apply a new exemption. We will consider new exemptions but it is your responsibility to tell the complainant why the new exemption applies and to provide me now with your full submissions in relation to that exemption.

For the avoidance of doubt, you should now do the following.

- *Consider whether to change your response to the information request, and let us know the outcome.*
- *Send us your full and final arguments as to why you think the exemption applies.*
- *Answer all of the questions in this letter".*

Failure to comply

9. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

10. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF