

Internal review of response to request under the Freedom of Information (Fol) Act 2000 (the Act) by HMIC (reference 12076)

Responding Unit: Her Majesty's Inspectorate of Constabulary

Chronology

Fol request received by HMIC: 02/06/09

HMIC response: 17/06/09

Request for 1st internal review: 17/06/09

Response: 30/06/09

Request for 2nd internal review: 31/06/09

Subject of request

1. On 2 June 2009 Mr. Hansen (the applicant) submitted a request to Her Majesty's Inspectorate of Constabulary (HMIC) seeking disclosure of material pertaining to HMIC's undertaking of a review into the policing of public protests following the G20 disturbances. Mr Hansen's enquiry was composed of four separate elements:
 - A request for a copy of the terms of reference of the review
 - A request for "*pen portraits*" of the careers of those undertaking the review
 - A request for a copy of the "*call to evidence made*" and the names of the organisations such was submitted to
 - An indication of the publication date for the review in question

The response by HMIC

2. On 17 June 2009 HMIC responded to Mr Hansen. The response dealt in turn with the four elements of Mr Hansen's enquiry, with information being provided in response to each of the issues raised. No exemptions of the Act were cited in this correspondence. The presumption therefore being that HMIC believed that they had fully disclosed all material requested.

Mr. Hansen's requests for internal reviews

3. On 17 June 2009 Mr Hansen requested an internal review. He substantiated his request by stating that the information provided to him was not presented in a "*plain text format*", as had been requested.

4. On 30 July 2009 a response was dispatched to Mr Hansen by the Home Office's Information Access Team. This response served to provide Mr Hansen with a copy of the previous response in a plain text format as requested.
5. Mr Hansen was informed a full internal review had not been conducted at this juncture as it appeared that the response now provided satisfied the remit of the original Fol request. It was furthermore noted that the response initially provided had been dispatched within 20 working days of Mr Hansen's request being received.
6. On 31 July 2009 Mr Hansen requested a second internal review. Mr Hansen said that the response provided to his Fol request was deficient in that it failed to adequately satisfy the third element of his request – namely to be provided with a copy of the “*call to evidence*” made by HMIC and a list of the organisations such was submitted to.

Procedural issues

7. As previously noted, the response of 17 June 2009 sought to provide a substantive response to Mr Hansen's initial enquiry. This response did not cite any exemptions against disclosure and was provided within 20 working days of the receipt of Mr Hansen's request.
8. In this respect HMIC are seen to have successfully discharged their statutory obligations under section 10 (1) of the Act.
9. Furthermore, with regard to the substance of the response provided to Mr Hansen, HMIC are seen to have satisfactorily discharged their obligations under section 1 (1) (b) of the Act. Namely, in response to the particulars of Mr Hansen's request HMIC communicated all the relevant information held to him.
10. It is noted however, with regards to the third component of Mr Hansen's request that HMIC are not seen to have satisfactorily discharged their obligations under the Act in this instance.
11. This conclusion is based on the determination that HMIC, in this instance, do not hold the specific information requested by Mr Hansen. Accordingly, by failing to fully confirm such to Mr Hansen HMIC are seen to stand in breach of section 1 (1) (a) of the Act.
12. I am satisfied however that Mr Hansen was informed in writing of his right to request an independent review of the handling of his request as allowed for in section 45 (2) (e) of the Act.
13. I am further satisfied that the Mr Hansen was informed in writing of his right of complaint to the Information Commissioner as required by section 50 of the Act.

Consideration of the response

14. Mr Hansen has specified that he is concerned only with a review of the response by HMIC to the third component of his FoI request. Accordingly, this is the only issue that will be examined in the following consideration.
15. Having examined the original request submitted by Mr Hansen on 2 June 2009, it is noted that the third component of such is formed of two distinct elements:
 - (i) A request for a copy of material that is seen to constitute a formal request for evidence to be submitted to the HMIC review of public policing
 - (ii) A list of the organisations that the above request was submitted to
16. The response provided to Mr Hansen on both 17 June 2009 and 30 June 2009 is seen to be deficient as neither point (i) or (ii) outlined above appear to have been satisfactorily addressed. Specifically, no explicit comment was made as to whether HMIC held the information in question and furthermore no material of the requested character was supplied to Mr Hansen. Instead Mr Hansen was supplied only with a description of the general procedure by which evidence was collected and not the particular information that he had requested.
17. In actuality however, the response provided to Mr Hansen, though procedurally incorrect, was nonetheless substantively accurate in respect that the 'call to evidence' under discussion did in fact consist in the main of police officers proactively approaching individuals in the locality of the G20 disturbances.
18. Having consulted with HMIC on this matter it has been confirmed to me that no single document or form was distributed as a means of requesting evidence. Instead approaches were made on an ad hoc basis to individuals and protest groups in situ at the time of the incidents in question. In addition the views and evidence of local residents and concerned parties were sought by way of door to door interviews and a dedicated email inbox for all related correspondence.
19. As such, no documentation that might be seen to characterise what Mr Hansen terms a "copy of the call to evidence" is in effect held by HMIC. Consequently Mr Hansen's request could not have been adequately discharged by HMIC other than to clarify to him that information of the sort requested was not in fact held.
20. Subsequently it follows that no corresponding list of organisations is held by HMIC to whom the proposed "copy of the call to evidence" could have therefore been made.

Advice and assistance

21. Having considered the body of correspondence between HMIC, Home Office and Mr Hansen it is my view that these bodies satisfactorily discharged their obligations under section 16 (1) and section 16 (2) of the Act.
22. In particular, the Home Office response of 30 July 2009, providing Mr Hansen with a second copy of the requested information is seen to satisfy the character of 'advice and 'assistance' as detailed in section 16 of the Act.
23. Furthermore, Mr Hansen was also informed that if he experienced any difficulties accessing the information provided to him then he was welcome to contact the Home Office FoI team for assistance.

Conclusion

24. Whilst HMIC responded to the initial FoI request within 20 working days, it is noted that they did not fully satisfy the third component Mr Hansen's enquiry. Accordingly, as noted, HMIC are seen to stand in breach of section 1 (1) (a) of the Act.
25. In all other respects however HMIC are seen to have fully discharged their obligations under the Act.

Information Access Team
Home Office
02/02/10