

11 June 2019

Dear Mr Barr,

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01FOI/19/002115**

Thank you for your request for information which was received by the Metropolitan Police Service (MPS) on 19 April 2019, seeking access to the following information:

***Specifically with regard to the area covered by postcode UB7 8HX, please provide the following information.***

***1.  Details of all crimes, disturbances or public order offences that were reported to have occurred between 6pm on Saturday 13th April 2019 and 1am on Sunday 14th April 2019***

***2.  Of those crimes (in para 1), please provide details, with regard to each matter, as to when (date and time) these matters were actually reported to the Police.***

In the first instance, please accept my sincere apologies for the delay in responding to your request.

When a request for information is made under the Freedom of Information Act 2000 (the Act), a public authority must inform you, when permitted, whether the information requested is held. It must then communicate that information to you. If a public authority decides that it cannot comply with all or part of a request, it must cite the appropriate section or exemption of the Act and provide you with an explanation.

**DECISION**

The MPS can neither confirm nor deny that it holds the information you have requested for the location above, as the duty in Section 1(1)(a) of the Act (the duty to confirm or deny that information is held) does not apply by virtue of the Section 40(5) of the Act. In accordance with The Act, this email represents a Refusal Notice in accordance with Section 17(1) of the Act. A full explanation, including the relevant sections of the Act, is given in the section titled **‘Legal Annex’** below.

**REASON FOR DECISION**

A Freedom of Information Act request is not a private transaction. Both the request itself, and any information disclosed, are considered suitable for open publication. This is because, under Freedom of Information, any information disclosed is released into the wider public domain via our Website and effectively to the world, and not just to one individual.

In most cases, Personal Data is exempt from disclosure under the Freedom of Information Act as I will explain below.

To confirm or deny whether the information requested exists, could publicly reveal information about an individual or individuals, thereby breaching the right to privacy afforded to people under the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR).

Where an individual is requesting his or her own personal data the information is always exempt. Such information can be requested under other legislation (please see the advice and assistance section below).

Where an individual is requesting third party personal data, the MPS must ensure that any action taken adheres to the principles of the Data Protection Act 2018 and the GDPR.  To clarify, the Freedom of Information Act only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data.  These principles are outlined under section 34 of the DPA 2018 and under Article 5 of the GDPR.

**ADVICE AND ASSISTANCE**

Please note: If the information requested relates to you (for example if you are seeking a crime report where you were the victim/witness/suspect) then you are able to request it via a Subject Access Request.

In order to make a Subject Access Request please complete form 3019 (available from any MPS Station, or from **http://content.met.police.uk/Article/Making-a-subject-access-request/1400005855548/1400005855548**, or by calling 020 7161 3500 available Mon - Fri between 10:00 and 14:00). Please note that proof of identification is required to process a request. This process may also take up to 40 days from receipt of your completed application.

This notice does not confirm or deny that the MPS holds the information that you have requested.

This concludes your request for information and I would like to thank you for your interest in the MPS.

Should you have any further enquiries concerning this matter, please contact me via email at Suzanne.Mason@met.police.uk, quoting the reference number above.

Kind regards,

**Suzanne Mason**

**Information Manage**

**LEGAL ANNEX**

**Section 17(1) of the Act provides:**

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which-

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.

**Section 40(5A)&(5B)(a)(i) of the Act provides:**

(5a) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5b) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles

This request for information seeks to establish whether the police attended disturbances or public order offences at postcode UB7 8HX, during the period 6pm Saturday 13th April and 1am Sunday 14th April 2019.

To confirm or deny whether information is held, would present an unreasonable risk of victim/suspect identification, if any information is held. Providing an answer in confirmation or denial that information is held would accordingly, reveal personal data and be in breach of the general right to privacy provided by the Data Protection Act 2018 (DPA).

**COMPLAINT RIGHTS**

**Are you unhappy with how your request has been handled or do you think the decision is incorrect?**

You have the right to require the Metropolitan Police Service (MPS) to review their decision.

Prior to lodging a formal complaint you are welcome to discuss the response with the case officer who dealt with your request.

**Complaint**

If you are dissatisfied with the handling procedures or the decision of the MPS made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the MPS to have the decision reviewed.

Complaints should be made in writing, within forty (40) working days from the date of the refusal notice, and addressed to:

FOI Complaint

Information Rights Unit

PO Box 57192

London

SW6 1SF

foi@met.police.uk

In all possible circumstances the MPS will aim to respond to your complaint within 20 working days.

**The Information Commissioner**

After lodging a complaint with the MPS if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk. Alternatively, write to or phone:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113