



Information Rights Unit
PO Box 313
Sidcup
DA15 0HH

Email:
MPSDDataOffice@met.police.uk

www.met.police.uk

Your ref:
Our ref: 01/FOI/20/016825

16/11/2020

Dear S Carroll

Freedom of Information Request Reference No: 01/FOI/20/016825

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 12/11/2020. I note you seek access to the following information:

I am requesting the interview between DS Jane Pearman & Anthony Carroll on the 26th of June 2020 in relation to CRIS 5608136/20.

I was the victim of the above crime.

Please accept this letter as an acknowledgement of receipt of your request, which has been considered under the Freedom of Information Act 2000 (the Act).

DECISION

The Metropolitan Police Service neither confirms nor denies that it holds the information you have requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the Section 40(5) exemption. This response therefore represents a Refusal Notice in accordance with Section 17(1) of the Act. Please see the legal annex for the sections of the Act that are referred to in this letter.

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, 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 personal information exists in response to your request could publicly reveal information about an individual or individuals, thereby breaching the right to privacy afforded to persons 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 Right of Access Request. In order to make a Right of Access Request please complete form 3019 which is available from any MPS Station, or from the our website www.met.police.uk (select “Request” then “Information: about the police, about yourself or someone else and “Information about yourself or someone else”). Proof of identification will be required to process a Right of Access Request. This process may also take up to one month (30 calendar days) from receipt of your completed application.

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

Should you have any further enquiries concerning this matter, please contact me using the email or postal addresses at the top of this document, quoting the reference number for this request.

Data Office Triage Team

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

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 313
Sidcup
DA15 0HH
MPSDataOffice@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