

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2016

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested information about Metropolitan police officers assisting bailiffs. The Metropolitan Police Service (the "MPS") initially advised that to comply with the request would exceed the cost limit. During the Commissioner's investigation this was revised and the MPS advised that it did not hold the requested information. The Commissioner's decision is that, on the balance of probabilities, the MPS does not hold the requested information. He does not require the MPS to take any remedial steps to ensure compliance with the FOIA.

Request and response

2. On 2 September 2015, the complainant wrote to the MPS and requested information in the following terms:

"1) The exact amount of Police manpower hours by Metropolitan Police Officers whilst assisting Bailiffs to collect outstanding Parking charges by stopping vehicles, for the previous three fiscal periods (2012 - 2015). As parking charges are regarded as a 'Civil' liability and not a 'Criminal Offence' in London, the Metropolitan Police have no legal authority to assist in the collection of what amounts to a 'Civil Debt.' It should be noted that it is common practice for Metropolitan Police Officers to stop vehicles which have outstanding

parking charge liabilities to enable Bailiffs to 'extort' any outstanding Civil Debts.

2) The exact financial cost to the tax payer for Metropolitan Police Officers assisting Bailiffs collecting the Civil Liability of outstanding parking Charges with roadside stops?

3) How many times Metropolitan Police Officers accessed personal details of 'Registered Keepers' whilst assisting Bailiffs collect a Civil Debt for outstanding parking charges? It should be noted that this type of information can only be accessed in the 'detection or prevention of a crime' and not to collect a Civil Debt. I am of the opinion the use of the ANPR systems by Bailiffs is unlawful and a clear infringement of the DPA 1998, and a formal complaint on the use of the ANPR system by Bailiffs has been made to the Information Commissioners Office".

3. On 1 October 2015 the MPS responded. It explained that it is not required to provide a response to opinions unless the information is held in recorded form. It further advised that to comply with the request would exceed the cost limit at section 12 of the FOIA.
4. Following an internal review the MPS wrote to the complainant on 4 November 2015. It maintained its position.
5. During the course of the Commissioner's investigation the MPS revisited the request. It revised its position, instead stating that the requested information is not held.

Scope of the case

6. The complainant contacted the Commissioner on 28 October 2015 to complain about the way his request for information had been handled. Following further correspondence in which the Commissioner required additional information from the complainant, the necessary details were provided on 18 November 2015.
7. To avoid any delay, the Commissioner did not insist on the MPS informing the complainant of its change in position. The analysis below concerns whether the MPS stated correctly that it did not hold information within the scope of the complainant's information request.

Reasons for decision

Section 1 – general right of access

8. Section 1 of FOIA states that:

“Any person making a request for information to a public authority is entitled –

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him.”*

9. The task for the Commissioner here is to determine whether, on the balance of probabilities, the MPS holds any information relevant to the request. Applying the civil test of the balance of probabilities is in line with the approach taken by the Tribunal when it has considered the issue of whether information is held in past cases.

10. In order to try to ascertain the exact amount of manpower hours and thereby calculate the associated costs, ie to answer parts (1) and (2) of the request, the MPS explained how it records officers' working patterns and what they are doing. It advised the Commissioner that its police officers book on duty via an electronic system called *“Computer Aided Resource Management”* (“CARM”). This serves a function of booking on and off duty and includes a brief description of the duty being performed.

11. The MPS provided the Commissioner with screen shots to evidence the type of details included on CARM, which show that the system is governed by pre-designated tick boxes and does not include any free text. It is evident from the examples provided that no such box exists to record deployment in terms of *“assisting bailiffs”* and there is no other field where this information could be recorded on the CARM system.

12. In respect of parts (1) and (2) of the request the MPS concluded:

“Therefore, regrettably, the MPS’s ability to answer [the complainant]’s request falls at the very first hurdle. The MPS has no specific requirement or business need to record hours deployed assisting Bailiff’s in the circumstances described by [the complainant]. The requirement lies with knowing what hours were worked in total along the lines of the categories shown [on the CARM system] above. Accordingly, without knowing what the hours are the MPS cannot then identify the exact cost (part 2)”.

13. In respect of part (3) of the request, an officer would obtain this information via the police national computer (the "PNC"). When accessing the PNC, any user undertaking a search on the system must include a "reason code" to show why the information is required. The reason codes are very specific and do not include an option which refers to bailiffs, the closest parameter being a search undertaken "*on behalf of other authorised agency*". Therefore any search to try and find related PNC transactions would be of no use.
14. The MPS also contacted various individuals with specific knowledge about the subject matter to ascertain whether any information might be held. In responding to the Commissioner the MPS included some of their emails which contained the following statements:

"We don't assist Bailiffs so the answer to one and two is nil.

When we run Op Cubo¹, ANPR days, council bailiffs take the opportunity to attend but they are police operations and no cost incurred as a result of bailiffs being there.

We don't assist re parking charges."

"... police do not assist recovery of parking charges and the baliff's doing this for the LA [local authority] are working in isolation. It is possible they may attend if we are executing warrants etc for other matter, but these are crime related and not done for their benefit."

Conclusion

15. From the detailed explanations given above the Commissioner is satisfied, on the balance of probabilities, that the MPS does not hold the requested information.

¹ <http://content.met.police.uk/News/Operation-Cubo--targeting-bad-and-uninsured-drivers-across-Richmond/1400019191095/1257246745756>

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Carolyn Howes
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