

City of London Corporation Committee Report

Committee(s): Resource, Risk and Estates Committee	Dated: 10 February 2025
Subject: Freedom of Information Act 2000 (Section 52) Enforcement Notice to City of London Police	Public report: For Information
This proposal: <ul style="list-style-type: none">• provides statutory duties.	Statutory Duties under the Freedom of Information Act 2000
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain's Department?	n/a
Report of:	Commissioner Pete O'Doherty
Report authors:	Chris Bell Gary Brailsford-Hart

Summary

The City of London Police received an Enforcement Notice from the ICO on the 20th of November 2024 pertaining to an ongoing non-compliance of its response rates to FOI requests over a sustained period during 2024. The Enforcement Notice was accepted by the force, and it has responded with an Action Plan to reduce the backlog of historic cases and mitigate the issues in managing the increased demand in FOI requests seen in the last 12 months.

The Action Plan has a period of 6 months to complete the return to expected compliance levels and is being closely monitored by the force's DDAT Board as well as through regular updates and dialogue with the ICO directly. The main report sets out the background to the Enforcement Notice and the Action Plan.

Recommendation(s)

Members are asked to:

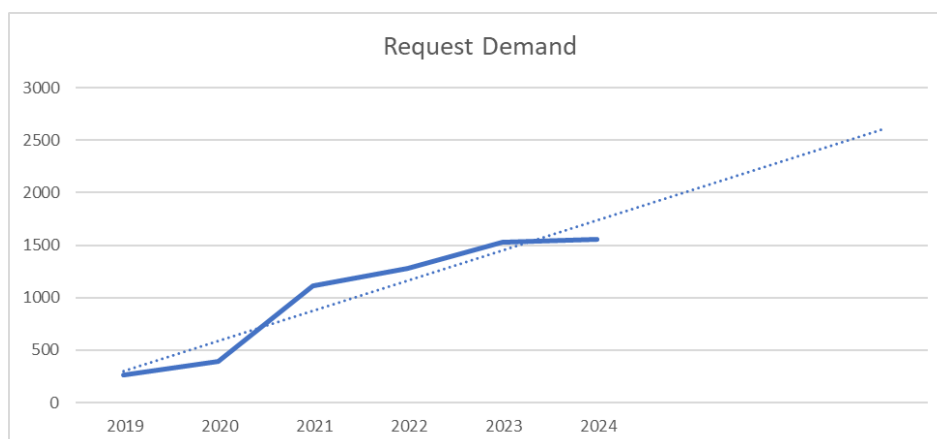
- Note the report.

Main Report

Background

1. The City of London Police were issued with an Enforcement Notice (Section 52) from the Information Commissioner (ICO) on the 20th of November 2024 (see *Appendix A for full enforcement notice*). The notice relates to CoLP's average compliance rate in the financial year 2023/24 for responding to requests within 20 working days of receipt, being 68%, which the Commissioner considers to be low.
2. CoLP providing equivalent data for quarters 1 and 2 of 2024/25. Its compliance rates had further reduced to 62% and 54%, respectively. Also of concern is CoLP's compliance rate for responding to internal review requests within recommended timescales. For the first two quarters of 2023/24, its rate was 33% and 50%. By the first two quarters of 2024/25, its rate remained low, at 40% and 66%, respectively.
3. The statistics provided to the Commissioner also revealed that CoLP has a backlog of older requests that it has yet to respond to. The backlog by the end of 2023/24 was 366 requests, and it has risen further, to 469, in the six months to the end of September 2024. As of the end of September 2024, CoLP said it had 309 requests that were over six months old (from the date of receipt) and five over twelve months old. It said the oldest open request was 467 days old.
4. Finally, June 2023 to date, the Commissioner dealt with twelve complaints about CoLP which involved timeliness issues. Some complaints were resolved informally, but seven decision notices were issued, and in five cases it was necessary to tell CoLP to provide a substantive response to the requests.
5. In its correspondence with the Commissioner about the reasons for these timeliness issues, CoLP explained that it has faced significant staffing challenges, at the same time as experiencing an increase in the number and complexity of Freedom of Information requests. It said additional resources have now been made available to support its handling of information access matters, but this has taken time, and it remains an ongoing challenge to recruit and train suitable staff. The increase in demand for information is illustrated in figure A and a sample of a complex request provided within appendix C.

Figure A – Request volumes from 2019 - 2024



6. It set the following targets for CoLP in relation to the ongoing issues:
 - a. **By 20 May 2025, CoLP shall:**
 - (i) in respect of each information request where the response is outside of 20 working days as at the date of this Notice, and where a permitted extension has not been applied, comply with section 1(1)(a) of FOIA and, if information of the description specified in the request is held, either:
 - (ii) communicate that information pursuant to section 1(1)(b) FOIA; or issue a valid refusal notice under section 17 FOIA, unless section 17(6) FOIA applies.
 - b. **Within thirty calendar days of this Notice, CoLP shall:**
 - (iii) Devise and publish an action plan formalising the measures it will take to ensure it complies with its legal duties under Part 1 of FOIA to respond information requests in a timely manner, whilst also clearing its backlog of overdue requests within six months as required by this Notice.

Formal Response from CoLP to the Enforcement Notice

7. In response to the Enforcement Notice, CoLP issued the following public media statement: A City of London Police spokesperson said: *“We accept the ICO notice and are doubling our efforts to manage the volume of FOI requests we now receive, as well as increasing our resource to ensure we return to meeting our FOIA and EIR obligations as quickly as possible.”*
8. In response to the Enforcement Notice, CoLP had 30 days to submit a formal strategic action plan on how it would remove the backlog of casework and mitigate issues to return it to a position of complying with the legislative requirements and performance standards set out in the Act.
9. The CoLP Action Plan was submitted formally to the ICO on 12th December 2024 and the full plan can be found at *Appendix B*. In summary it outlines CoLP’s actions under the following areas of intervention:
 - a. **Establishment of an Enforcement Task and Finish Group.**
 - b. **An improved case management system to be introduced.**
 - c. **Recruitment of additional officers to work on caseload, including using overtime and restricted duty officers.**
 - d. **Prioritisation of older casework.**
 - e. **Introduction of Internal Monthly Performance Audits**

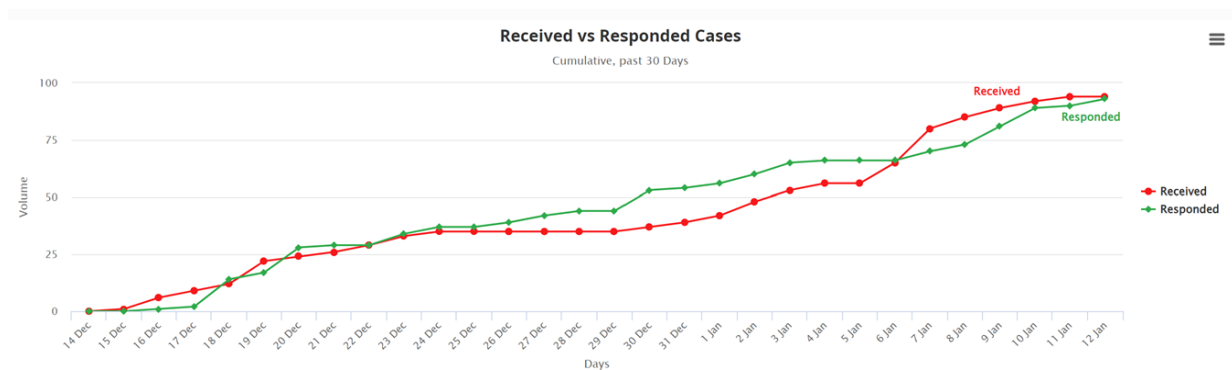
Current Position

10. As of the 13th of January 2025, we can confirm actions A, B, D and E to have been established and in operation to oversee the work to deliver the action plan and removal of the backlog of FOI cases. We have also onboarded ten additional officers who have been fully trained to assist with the caseload, who will work using

overtime to assist with the work. There are a further sixty members of staff who have applied to assist additionally. It should be noted there are no restricted duty officers currently available to be allocated to this work.

11. We have also been in communication with the ICO about sending written communications to all requests currently over 6 months old to try and reduce the backlog further and ensure our focus is only on those requests verified as still wanted.
12. Since the 20th of November 2024 we have moved significantly from the original 533 overdue cases reducing these to 377 cases overall.
13. It should be noted received new requests remain significant, and this provides challenges to maintaining delivery of demand as well as the work to reduce and remove the historic backlog of cases. This is illustrated below at Figure B, highlighting the newly received cases, versus cases responded to in the last 30 days.

Figure B – FOI Received Versus Responded in last 30 days.



14. With further onboarding of additional staff, permanent recruitment of vacant posts and the return of medium/long term sickness absence personnel, we are aiming to have the backlog and demand under control in line with a six-month recovery period set out by the ICO. We will continue to monitor performance and risk, and report this at our force DDAT Board, as well as RREC Committee.

Conclusion

15. The City of London Police received an Enforcement Notice from the ICO on the 20th of November 2024 pertaining to an ongoing non-compliance of its response rates to FOI requests over a sustained period during 2024. The Enforcement Notice was accepted by the force, and it has responded with an Action Plan to reduce the backlog of historic cases and mitigate the issues in managing the increased demand in FOI requests seen in the last 12 months. The Action Plan has a period of 6 months to complete the return to compliance and is being closely monitored by the force’s DDAT Board as well as through regular updates and dialogue with the ICO directly.

Appendices

Appendix A – ICO Enforcement Notice (Section 52) 20th November 2024

Appendix B – NON-PUBLIC - CoLP Action and Mitigation Plan 12th December 2024

Appendix C – Sample complex request

Chris Bell

Service Delivery Director, City of London Police

Gary Brailsford-Hart

Director of Information (CISO & DPO), City of London Police