



FAO Andrew Farrugia
Berkeley Rowe
5th Floor, 64 North Row
London
W1K 7DA
UNITED KINGDOM

Information Rights Unit
PO Box 313
Sidcup
DA15 0HH

Email: DataRights@met.police.uk

www.met.police.uk

Your ref: SAR/MCKAY/DYER
Our ref: 01/ROA/24/091391/T

18/09/2024

Dear Andrew Farrugia

Data Protection Act 2018 – Right of Access Reference: 01/ROA/24/091391/T

I am writing with regards to your Right of Access application in which you requested information under the Data Protection Act 2018 (DPA), which may be held about you by the Metropolitan Police Service (MPS).

We wrote to you on 5th September 2024 to explain that the MPS have a right to refuse to process a request if we feel that it is manifestly excessive in line with DPA 2018, Part 3, Chapter 3, Section 53(1)(b). We asked you to provide us with further clarity on what information you need in order for us to focus on providing you with the data that is important to you and to reduce what is required to ensure that we are able to process your request. We received your letter dated 13th September 2024 and have reviewed your response. Based on the details you have provided, we believe that the retrieval and preparation of the information you have requested will not be in the public interest and we are now exercising our right to refuse your request under Part 3, Chapter 3, Section 53(1)(b).

Reasons for Refusal

As previously explained, we are a public funded organisation, and your request would likely require a dedicated caseworker and the assistance of specialist police officers a prolonged period to work on this request which will have an adverse impact on other applicants and our department's ability to carry out its core functions and on operational policing. The ICO have also acknowledged that dealing with 'unreasonable' requests can place a strain on resources and impact response times. Whilst we acknowledge that you have good reasons to make the request, for the purposes of a subject access request your request is unduly onerous and in this sense 'unreasonable'.

We also explained in our previous letter that the MPS uses a vast amount of systems that hold a variety of data; even though you have provided only seven keywords/phrases that you believe would be reasonable to search we still consider this to be manifestly excessive as we would still need to interrogate multiple systems to find the relevant information, including those which can only be accessed by specialists officers as previously mentioned.

We also acknowledge that your request did not include access to CCTV footage; this is part of our advice when we correspond with applicants about the application of Section 53(1). However, please note that even though you have not requested CCTV footage, our position on the application of Section 53(1) has not changed.

In 2023 the MPS received 20,859 Right of Access Requests (up 52% from the previous year). Despite achieving £1.1bn of savings between 2013/14 and 2023/24, we still had a budget gap of around

£400m to fill. The Met's budget per head of population has in real terms fallen by 28% since 2010. Compared to Sydney and New York we have close to 50% less funding per head of population. This means difficult choices and a careful balance between delivering our core policing activity for Londoners and meeting requests for information.

Committing limited resources to process manifestly excessive requests such as your client's, disproportionately hinders our ability to meet the needs of the majority of our applicants.

The MPS currently spends £5.3m directly on staffing costs to meet our disclosure obligations under Freedom of Information Act, the Data Protection Act 2018 and UK GDPR. Plus, additional time is required to support the completion of such requests by Subject Matter Experts, Analysts and others across the MPS. In the context of the above challenges, we are not in a position to further invest in servicing data rights disclosures.

We also cannot accept the offer of £10,000 which you propose being made available to the MPS for the singular purpose of processing your request. The nature of the work and the sensitivity of the data held by the MPS requires employees to be carefully vetted and trained in the Data Protection Act and Right of Access provisions, therefore we can't simply 'buy in' additional staff at short notice to perform this task, which is not a generic administrative role.

Additionally, the fee you are proposing does not address the issues of resourcing and your request would still require abstractions which we cannot accommodate and would undermine the "first come first served" system of Right of Access requests. It also does not cover the estimated 818 hours of processing time that we advised you of in our previous letter. Therefore accepting your offer would still create a detriment to meeting wider Right of Access requests.

Therefore, given the nature and extent of your request against our ability to respond we consider it to be obviously unreasonable as it is disproportionate when balanced against the burden or costs involved in dealing with your request, which would be to the detriment of other applicants.

Should you wish to narrow down your request at a later date you are of course at liberty to submit a new request to us for further consideration.

The MPS privacy notice with details about the personal data we collect, purpose, categories and retention can be viewed at <https://www.met.police.uk/privacy-notice/>.

Complaints

If you are dissatisfied with the result of this request please write to us at the above address or email us at DataRightsComplaints@met.police.uk.

Under the Data Protection Act regulations, you also have the right to contact the Information Commissioner. For information on how apply to the Information Commissioner please visit their website at <http://www.ico.org.uk/>. Alternatively, phone or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF Phone: 0303 123 1113.

Yours sincerely,

Danielle Purchase
Data Rights