



**METROPOLITAN  
POLICE**

## **Freedom of Information Request Reference No: 01.FOI.20.014843**

I note you seek access to the following information:

- 1) How many complaints have been received in the past five years relation to alleged racial discrimination by officers/staff?
- 2) Have any been upheld? If so, how many?
- 3) Can you please provide details about each upheld complaint (ie the nature of complaint, date committed, number of officers involved etc)?
- 4) In each case where a complaint was upheld, what action was taken against individuals concerned?
- 5) How many allegations of racial discrimination were referred to the IOPC in the past five years

### **DECISION**

I have today decided to disclose some of the requested information. Some data has been withheld as it is exempt from disclosure and therefore this response serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000 (the Act).

### **REASONS FOR DECISION**

I have decided to exempt **questions 3 and 4** owing to S.40(2) Freedom of Information Act governing personal information.

Please note with regards to question 4 that I have provided some information below, however I have not broken these down into individual cases.

#### **Section 40(2)(3A)(a) – Personal Information**

Section 3 of the Data Protection Act 2018 confirms that information which relates to an identified or identifiable living individual is Personal Data.

The Freedom of Information Act provides an exemption for Personal Data and this is known as the section 40 exemption.

The information sought under your Freedom of Information which contravenes S.40:

- 3) Can you please provide details about each upheld complaint (ie the nature of complaint, date committed, number of officers involved etc)?**
- 4) In each case where a complaint was upheld, what action was taken against individuals concerned?**

Where the request is seeking access to third party personal data the Section 40(2) exemption may be engaged.

In order to apply the Section 40(2) exemption, the disclosure of the requested information must satisfy either the first, second or third conditions as defined by subsections 3(A), 3(B) and 4(A) of the Data Protection Act 2018.

The first condition ensures that the exemption would apply in circumstances where the disclosure of the information would breach any of the Data Protection Act 2018 principles.

There are six Data Protection principles specified within Article 5(1) of the General Data Protection Regulation (GDPR).

In this instance I have decided that the disclosure of the Personal Data would be incompatible with the first Data Protection principle which requires that personal data shall be:

*'processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');*

Under the Data Protection Act 2018, the disclosure of personal data is considered to be lawful if:

- a. There is a legitimate interest in the disclosure of that personal data.
- b. The disclosure of the personal data is necessary to meet that legitimate interest.
- c. The disclosure would not cause unwarranted harm to the data subject.

Here, we need to balance the rights and freedoms of the individuals involved with any legitimate public interest in disclosure.

The MPS understands that those officers disciplined are an important matter for the public. Officers face a public facing role and are held accountable for their actions. However, to provide details of each individual case in the format you have requested would lead to the identifications of individuals concerned. The information provided above meets the legitimate interests and therefore it would not be necessary or proportionate in these circumstances to release the details for each case. Finally, it is for the MPS to consider whether disclosure would cause unwarranted harm to the data subjects. As officers have been disciplined any further information released could lead to identification and unwarranted attention and harm to the individuals. With this in mind, the data subjects in the circumstances of your request would have a legitimate expectation that personal data would not be used for non-policing purposes.

Disclosure in the circumstances of your request would be unlawful and would therefore contravene the first data protection principle.

I have therefore applied the exemption provided under Section 40(2) of the Freedom of Information Act to this information as the first condition, defined in subsection

3(A)(a) of Section 40 has been satisfied. This therefore becomes an absolute exemption, and I am not required to provide you with a public interest test.

## **DISCLOSURE**

**Definition:** Police officers including specials and police staff who were the subject of a public complaint allegation where the allegation type or sub type was discriminatory behaviour (race) and the allegation was recorded between 1st July 2015 and 30th June 2020,

### **Q1 - How many complaints have been received in the past five years relation to alleged racial discrimination by officers/staff?**

1368 cases have been received

### **Q2 - Have any been upheld? If so, how many?**

22 Cases were upheld

### **Q4 - In each case where a complaint was upheld, what action was taken against individuals concerned?**

Action	Amount
Management Action	10
Formal Action	10
Retired/Resigned	2
No Action	10

Please note that of the 22 cases that were upheld, in some cases there were more than one individual.

### **Q5 - How many allegations of racial discrimination were referred to the IOPC in the past five years**

480 allegations (436 cases) were referred to the IPCC/IOPC

The Metropolitan Police Service takes all allegations of this nature extremely seriously and is clear racism has no place within the organisation.

Matters are investigated by the Directorate of Professional Standards with referrals to the Independent Office for Police Conduct as appropriate, who may independently investigate.

I would like to thank you for your interest in the MPS.

**Information Rights Unit**