

23 August 2023

Dear [REDACTED]

Case reference IC-248716-J6W2

I write further to your correspondence dated 10 August 2023 in which you confirmed that you would like us to conduct an internal review of our response to your information request, handled by the Information Access team under the above case reference number.

My name is Ian Goddard and I am an Information Access Group Manager. I can confirm that I have had no prior involvement in the handling of this request.

You have challenged our decision refuse your request under the provisions of section 12 of the FOIA. Section 12 makes clear that a public authority (such as the ICO) is not obliged to comply with a FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that £450 would equate to 18 hours work.

Having considered your grounds for review, it does not appear that you are challenging the fact that to answer your request would exceed the cost limits set out at section 12, rather that we should proceed with dealing with your request regardless of the costs of doing so.

However, for the purposes of completeness, I have firstly considered whether the provisions of section 12 apply. Having reviewed the response and explanations provided, I am content that your request would exceed the cost limits set out at section 12 and therefore your request was correctly refused. In my view, the response you received was thorough and comprehensive and there is little further I can constructively add to it. I also find that you were provided with a detailed level of advice and assistance with regards to your request.

I turn now to your suggestion that we 'put aside' the matter of costs and comply with your request regardless of whether it breaches the cost limits at section 12 of the FOIA. I am afraid we are not obligated to do this and neither would it be appropriate or realistic for us to do so. As we have explained, section 12 allows a public authority to refuse to comply with a

request for information where the cost of compliance exceeds the appropriate limit. Neither are we obliged to search and provide information up to the cost limit. The Act recognises that freedom of information requests are not the only demand on the resources of a public authority. They should not be allowed to cause a drain on their time, energy and finances to the extent that they negatively affect their normal public functions. If we were to ignore the cost limits set out in section 12 and comply with your request, it would undoubtedly be the case that our normal public functions would be negatively affected, to the detriment of other people and other matters that require our attention.

For these reasons I do not uphold your internal review request. I realise that this response may be disappointing to you, but I hope our reasoning is clear.

Complaint procedure

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000.

To make such an application, please write to our Customer Contact Team at the address below, or visit the 'Make a complaint' section of our website: <https://ico.org.uk/make-a-complaint/>

Please ensure you attach any documents requested to progress your complaint when submitting your complaint.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely

Ian Goddard
Information Access Service Group Manager, Risk and Governance
Department

Corporate Strategy and Planning Service

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