

25 May 2023

**Case references IC-229720-M9C3 and
IC-229730-R3T7**

Request

You asked us for all information held on Red House Glass Cone ("RHGC") and Culture, Leisure and Bereavement Services ("CLBS") for Dudley Metropolitan Borough Council ("the council"), with a particular focus on financial information such as budgets.

We received your requests on 26 April 2023.

We have handled your requests under the Freedom of Information Act 2000 (the FOIA).

Our response

We are not sure if your requests are directed solely at the ICO, but I will provide some information and advisory points. I can first clarify some factors about our casework and case management system.

We process complaints about organisations. This includes UK GDPR complaints about how personal data has been handled, and FOIA complaints about the FOIA compliance of public authorities. These are logged as cases on our system.

We have accounts for organisations on our system. On our system, we do not have a specific account for CLBS or RHGC.

However, we do have an account for the council. Any information within the cases we receive about CLBS or RHGC would likely be treated as a case relating to the council. We would not create an account for a specific service managed by the council, so this is a limiting factor for us.

I have carried out a basic search of our case management systems (current and former). There are cases logged on the council's account on our current system. I found one complaint case with a case description that somewhat relates to CLBS, however it does not seem to relate to the information you are looking for. I found nothing else in scope of your requests on either system.

To be able to provide a full confirmation of what we hold would require a significant search of all our systems and documents (both electronic and physical). Please see below.

FOIA Section 12

Conducting the searches necessary to fully confirm if we hold the information you have asked for would exceed the cost limit set out by section 12 of the FOIA. This means we are not obliged to comply with your requests as they stand.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450 (equates to 18 hours work).

On our case management system alone, it would require a manual search of over 10,000 cases. It would require a search of all cases logged on the council's account, but also any other case which might specify CLBS and RHGC and related details within the case documentation. This is because the system's search facility does not retrieve any information or references which are contained within correspondence and documents held on case files.

For example, typing in a search term such as "culture leisure bereavement services" would be able to retrieve an email on a case with that wording in its subject line, but it would not pick up on any reference to that wording within the actual email itself.

For a search on our case management system alone, each search would take approximately 5 minutes per case, with some cases requiring a longer search if there is a higher quantity of records. This itself would exceed the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Advice and assistance

You may wish to re-frame your requests for information so they are limited to information logged on Dudley Metropolitan Borough Council's account. For example, a request about any FOIA complaint cases relating to the council's transparency about finances. However, please note it may not contain the scope of information you are looking for, and FOIA exemptions may still apply to information we hold.

FOIA Section 21

FOIA section 21 can apply to any information which is reasonably accessible by other means than the submission of a request to us under section 1 of the FOIA.

For any financial information, we consider this information to be reasonably accessible by other means than making a request to us. The council should be able to provide an appropriate FOIA response for that scope of information, and there is an obligation to record and pro-actively publish the kind of information you are looking for.

Please find the following links to the council's website if you wish to pursue this:

<https://www.dudley.gov.uk/council-community/local-transparency/>

<https://www.dudley.gov.uk/council-community/data-protection-and-freedom-of-information/>

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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