

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 6 March 2013

**Public Authority:** Chief Constable of Hampshire Constabulary  
**Address:** West Hill  
Romsey Road  
Winchester  
Hampshire  
SO22 5DB

#### Decision (including any steps ordered)

---

1. The complainant has requested information about any investigations carried out by Hampshire Constabulary into allegations of abuse at two schools. Hampshire Constabulary refused to comply with the request, as it said it would exceed the cost limit under section 12 of the FOIA to do so. The Commissioner considers that section 12 of the FOIA was applied correctly in this case. The Commissioner requires no steps to be taken.

#### Request and response

---

2. The complainant wrote to Hampshire Constabulary and requested information in the following terms:

*"How many investigations to do with any abuse was carried out by staff at school Cliffdale Portsdown Hill, Cosham between dates 1960-1970 when it closed.*

*How many investigations to do with abuse was carried out by staff at school Waterside Tipner Portsmouth between dates 1970- to date (if still open).*

*Any information of any staff employed by Hampshire County Council at above two schools charged of abuse of children."*
3. The Commissioner has not been able to establish the date that this letter was sent.

4. Hampshire Constabulary responded on 20 August 2012. It stated that due to the time that had elapsed since the period specified in the request, it was highly unlikely that it held any pertinent information. However, it could not categorically confirm this without searching its manual archive facility. Due to its size, such a search would exceed the appropriate costs limit established under section 12 of the FOIA. On this basis, Hampshire Constabulary refused to comply with the request.
5. Nevertheless, it offered to conduct a sample search of up to five boxes of information to see if they contained information which was pertinent to his request. However, it cautioned the complainant that such a search might attract the application of FOIA exemptions and a "neither confirm nor deny" response.
6. The complainant did not receive this letter and so on 8 October 2012, Hampshire Constabulary sent it again.
7. The complainant asked for an internal review, the results of which Hampshire Constabulary provided on 29 October 2012. It upheld the decision to apply section 12, stating that without further information from the complainant to assist the search, a search of the storage facility's thousands of boxes would exceed the appropriate limit.

### **Scope of the case**

---

8. The complainant contacted the Commissioner on 1 November 2012 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether or not section 12 was correctly applied in this case.

### **Reasons for decision**

---

10. Section 12 of the FOIA provides that a public authority is not obliged to comply with a request for information if the cost to it of doing so would exceed the appropriate cost limit.
11. This limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the fees regulations) at £450 for bodies such as Hampshire Constabulary. The fees regulations also state that the cost of a request must be calculated at the rate of £25 per hour, meaning that section 12 effectively provides a time limit for fulfilment of a request of 18 hours.

12. Section 12 makes it clear that a public authority does not have to make a precise calculation of the costs of complying with a request. Only an estimate is required.
13. To determine whether Hampshire Constabulary applied section 12 of the FOIA correctly the Commissioner has considered the submissions it provided during his investigation.
14. Hampshire Constabulary stated that due to the time period specified in the request (Waterside School, Tipner having closed in 2007) any information, if held, would be held in manual form in its Central Archive Facility ("CAF").
15. Hampshire Constabulary stated that it was "99.5% certain" that it did not hold the information that had been requested, but that it could not categorically confirm this without conducting a full, physical search of the CAF. It added that no database information was available to assist with the task.
16. It explained that the CAF currently houses around 18,000 boxes. It supplied a photograph of the inside of the CAF, which showed a very long, narrow room with an extensive filing capacity.
17. It stated that each of the 18,000 boxes contained, on average, 50 – 60 paper case files. Each case file would need to be examined as the information asked for in the request would not be evident from the front of the file.
18. Based on a sampling exercise it had conducted, Hampshire Constabulary estimated that it would take a minimum of an hour to examine the contents of each box. Based on this estimate, it would cost £450,000 to search the CAF and take one individual around nine years.
19. The Commissioner is satisfied that Hampshire Constabulary's estimate is cogent and reasonably arrived at. Even if, for the sake of argument, it only took 10 minutes to examine each box, this would still take 3,000 hours to complete and cost £75,000.
20. The Commissioner is therefore satisfied that it would exceed the £450 cost limit under section 12 FOIA to comply with this request for information.
21. Hampshire Constabulary stated that it had informed the complainant that the provision of more specific information might refine the scope of the search (thus enabling it to comply with the request within the costs limit), but the complainant had not responded. It had also offered to conduct a search of five boxes at random, but this offer had not been taken up.

22. The Commissioner is therefore satisfied that, having refused the request under section 12, Hampshire Constabulary discharged its duty under section 16 to offer reasonable advice and assistance to the complainant regarding his request.

## Right of appeal

---

23. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

24. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**