

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 7 June 2023

**Public Authority:** Oadby and Wigston Borough Council  
**Address:** Council Offices  
Station Road  
Wigston  
Leicestershire  
LE18 2DR

#### **Decision (including any steps ordered)**

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1. The complainant has made a request for information to Oadby and Wigston Borough Council (the Council), regarding Council tax enforcement and a copy of reports.
2. The Commissioner's decision is that the Council was not entitled to rely on section 12(1) when refusing this request.
3. The Commissioner requires the Council to provide a fresh response to the request, that does not rely on section 12 of FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 30 January 2023, the complainant wrote to the Council and requested information in the following terms:  
  
"I would like a copy of any contract / tender documents / other contracts with regards to Oadby and Wigston Borough Council with

regards to the 3rd party organisation Bristow and Sutor for the enforcement of council tax.

I'd [like] a copy of any and all reports sent weekly and monthly (you have regular reports coming through) for the past 6 months. All documents are in electronic format so I don't believe the time taken should be minimal."

6. The Council responded on 17 February 2023. It provided some information within the scope of the request and advised the remaining information was exempt under section 40(2).
7. Following an internal review the Council wrote to the complainant on 23 February 2023. It revised its position and advised the information was exempt as it would take more than 18 hours to comply with the request.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 2 March 2023 to complain about the way their request for information had been handled.
9. The Commissioner considers that the scope of his investigation is to consider whether the cost of complying with this request would exceed the appropriate cost/time limit.

### **Reasons for decision**

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10. The analysis below covers whether the Council was entitled to apply section 12(1) of FOIA to refuse the request. The complainant disagrees with its claim that section 12(1) is engaged.
11. Section 12(1) of FOIA states that a public authority is not required to comply with a request for information if it estimates that the cost of doing so would exceed the appropriate cost limit.
12. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Fees Regulations') at £450 for public authorities such as the Council, or 18 hours' work. If, on receipt of a request, the Council estimates that it would take longer than 18 hours to comply with the request, it is entitled to refuse it under section 12(1) of FOIA.
13. The Fees Regulations state that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following activities:

- determining whether the information is held;
  - locating the information, or a document containing it;
  - retrieving the information, or a document containing it; and
  - extracting the information from a document containing it.
14. The Council confirmed that there were a total of 26 reports within the scope of this request, each report is held on an electronic system known as academy and would need to be extracted from this system.
  15. The Council advised that the electronic system it uses, only allows the requested information to be extracted from its system into a Notepad document. The Council explained that extracting this information takes 25-30 minutes per report and once extracted into a notepad document the information was left in an unreadable format. The Council explained that if the requested information was disclosed in this format it would make little sense to anyone.
  16. The Council informed the Commissioner that in order for the information to be readable, it had to manually remove the information from the notepad document and into an a more appropriate excel spreadsheet. This required an officer to go through each report and convert present the information in a logical and meaningful way. The Council advised for each report, this would take approximately an additional 20-25 minutes.
  17. As there are 26 reports, the Council concluded if it was to comply with this request, it would take approximately 50-55 minutes to produce each report. With an estimated total of 23-24 hours of staff time to comply with the request and therefore would be over the appropriate limit. It also informed the Commissioner this was the quickest method to extract the information.
  18. When the Commissioner challenged whether the Council was able to take screenshots of the requested information, rather than extracting the document twice, the Council explained this would take more time than extracting the information twice, due to the amount of time it would take to make appropriate redactions.
  19. The Council is not entitled to consider the amount of time to redact information under section 12. The Commissioner understands that the way the Council has extracted the information may be quicker in order to consider redactions, but as it cannot count redaction time when applying section 12, he is not satisfied that the method described by the Council is the quickest method to simply extract the information.

20. Therefore the Commissioner requires the Council to disclose the information or provide an appropriate refusal notice.

## Right of appeal

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21. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. 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.
23. 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 .....**

**Catherine Fletcher**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**