

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 February 2024

Public Authority: Student Loans Company Limited
Address: 100 Bothwell Street
Glasgow
G2 7JD

Decision (including any steps ordered)

1. The complainant requested information from Student Loans Company Limited (SLC) relating to statistical and specific category data on people who had paid off their full student loan balances in any given (calendar or financial) year between 2005-2022.
2. SLC refused to comply with the request citing section 12(1) (cost limit) of FOIA.
3. The Commissioner's decision is that SLC was entitled to refuse to comply with the request on the basis of section 12(1) of FOIA. The Commissioner finds that SLC complied with its obligations under section 16 to offer advice and assistance. No steps are required.

Request and response

4. On 16 July 2023, the complainant made the following request for information to SLC:

"Under the Freedom of Information Act, I would like to request the following information:

(1) The number of people who paid off their full student loan balances in any given (calendar or financial) year from 2005 - 2022.

(2) Following from (1), for each of those years, please provide average (mean and/or median, specifying which measure is used) time taken (in years and months) for those people to have completely paid off their full student loan balances. Please provide this for each of the (calendar or financial) years from 2005 - 2022.

(3) Following from (1) and (2), please delineate this (ideally using both numbers and percentages) by the types of student finance arrangements these were (e.g. undergraduate loans or postgraduate loans, plan 1, plan 2, plan 4, plan 5 etc.). As above, please provide this for each of the (calendar or financial) years from 2005 - 2022.

(4) Following from (1), (2) and (3), please provide (a) average 'opening balances' (i.e. after completing or leaving their course and being liable to beginning repayments for that particular loan) for those who paid off their full balances for those types of loans and, (b) provide average cumulative repayments for those people and with reference to those types of loans. Please provide this for each of the (calendar or financial) years from 2005 - 2022.

(5) The following questions will be with reference to the Student Loans Company's Privacy Notice (retrieved here, as of 16 July 2023: <https://media.slc.co.uk/alldomiciles/nys...>) which states: "We may collect, store, and use the following categories of information: • contact details such as name, title, addresses, telephone numbers and personal email addresses, • date of birth, • gender, • National Insurance Number ("NINO"), • financial data, including bank account details, student loan repayment details and annual income details, • nationality and residency details, • education history, • residence history, • household details (for example if you have any dependants), • employment status, [...] We may also collect, store, and use the following "special categories" of personal information: • information about your race or ethnicity, religious beliefs, and sexual orientation (so that we can, for example, comply with our public sector equality duty under the Equality Act 2010), • information about your health, including any medical condition and sickness records (so that we can, for example, administer applications for DSA, and make reasonable adjustments in line with our statutory obligations under the Equality Act 2010), • information about criminal convictions and offences (for example, where this is provided as evidence to support an application or appeal)."

(6) Considering (5) and following from (1), (2), (3) and (4); where known and recorded, please provide summary/descriptive statistics (ideally both numbers and percentages) of: (a) regions people lived

in at the time of making their student finance application for that particular loan, (b) regions people lived or worked in at the time of making their final repayment which 'cleared' their balance for that type of loan, (c) annual income at the time of final repayments having been made for that loan, (d) race or ethnicity, (e) nationality, (f) their recorded/self-reported gender, (g) religious beliefs, (h) sexual orientation, (i) health/medical conditions, liabilities and sickness records, (j) criminal convictions and offences, (k) employment status, (l) recorded education history.

As above, please provide this for each of the (calendar or financial) years across 2005 - 2022.

(7) If you share an amended, relatively 'raw' (set of) dataset(s) or otherwise for any of these answers, please consider providing a key / glossary of the terms, labels and categories used in any such dataset(s)."

5. SLC responded on 9 August 2023. It provided some information within the scope of the request relating to parts 1 to 4 of the request and withheld the remainder for parts 6 and 7 stating that the cost of complying with the remainder would exceed the cost threshold. It did not provide any information for Part 5 of the request as it was not a request for recorded information. SLC offered the following advice and assistance:

"Rather than refuse your whole request under section 12(1) of the FOIA we have provided the data for questions 1 to 4 which is all the data we would be able to provide within the appropriate costs limit."

6. The complainant requested an internal review on 18 August 2023 stating.

"I'm indifferent as to whether you treat this follow-up as a request for an internal review or a further/separate FOI but I'd like to request any readily available summary statistics in relation (5) and (6) as they follow from (1) - (4)"

7. SLC upheld its initial application of section 12 of FOIA via internal review on 13 September 2023 and responded to the refined requests as follows:

"If SLC were to progress as a new request for information as an alternative to an internal review, then the costs exception under

section 12(1) of FOIA would still apply due to the applicable rules relating to aggregation¹.”

Scope of the case

8. The complainant contacted the Commissioner on 14 September 2023 to complain about the way their request for information had been handled. The complainant wishes the Commissioner to consider the merits or otherwise of SLC’s application of section 12 of FOIA.
10. The Commissioner considers the scope of this case to be to determine if SLC has correctly cited section 12(1) of FOIA in response to the request. The Commissioner has also considered whether SLC met its obligation to offer advice and assistance under section 16 of FOIA.

Reasons for decision

Section 12 – cost of compliance

11. Section 12(1) of FOIA states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the “appropriate limit” as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Fees Regulations”).
12. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 at £600 for central government, legislative bodies, and the armed forces and at £450 for all other public authorities. The appropriate limit for SLC is £450.
13. The Fees Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 18 hours for SLC.
14. Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the cost it reasonably expects to incur in

¹ https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

carrying out the following permitted activities in complying with the request:

- 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.
15. A public authority does not have to make a precise calculation of the costs of complying with a request; instead, only an estimate is required. However, it must be a reasonable estimate. In accordance with the First-Tier Tribunal in the case of *Randall v Information Commissioner & Medicines and Healthcare Products Regulatory Agency* EA/2007/0004, the Commissioner considers that any estimate must be “sensible, realistic and supported by cogent evidence”. The task for the Commissioner in a section 12 matter is to determine whether the public authority made a reasonable estimate of the cost of complying with the request.
16. Section 12 is not subject to a public interest test; if complying with the request would exceed the cost limit then there is no requirement under FOIA to consider whether there is a public interest in the disclosure of the information.
17. Where a public authority claims that section 12 of FOIA is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16 of FOIA.

Would the cost of compliance exceed the appropriate limit?

18. The Commissioner asked SLC to provide a detailed estimate of the time/cost taken to provide the information falling within the scope of this request.
19. In its submission to the Commissioner SLC explained that to determine whether the information is held, and then retrieve it, SLC staff would need to search their IT systems and manually search through a minimum of 883,141 individual customer accounts within the scope of the complainant’s request as not all information is available in a readily available format.
20. A manual search would be necessary, as the variables of information sought by the complainant within the scope of parts 6 to 7 of the request were uplifted from SLC’s Customer Privacy Notice which outlines

the type of information SLC may hold for its customers, rather than information that it holds in a readily accessible format. SLC would also need to complete full searches across its IT systems, the account notes, scanned images of incoming correspondence/documentation and emails to determine if they contained the relevant information.

21. SLC stated that information provided to the complainant for parts 1 to 4 over a 17-year period had required a total of 10.5 hours to search, locate, retrieve, and extract the information from SLC's customer system. This did not include the time required to check scanned images, emails, and other files, review the data, and draft a response. SLC stated that this estimation was calculated as follows:

- the identification of documents containing information: 60 mins;
- extraction of relevant information within the scope of the request for 1-4: 300 minutes;
- transfer to an excel workbook: 150 minutes; and
- the final checks and calculations; 120 minutes.
- 630 minutes in total = 10.5 hours.

22. SLC also confirmed to the Commissioner that it had conducted a sampling exercise for 50 customer accounts to determine the time required to identify any references to religious beliefs, sexual orientation, medical/health conditions and criminal offences and convictions held and had identified no relevant information. SLC estimated that it would take between 1–2 minutes to review each customer account on its IT systems but, again, this did not include manual checks of scanned images, emails, and other files and therefore (883,117 X 2 minutes) 1,766,234 minutes or 29,437 hours was the estimate to complete this task alone.

23. SLC estimated that considering the actual time spent on parts 1 to 4 (10.5 hours) and the estimated time to extract data requested under part 6 which from a data field on the system (6 x 10.5 hours = 63 hours) plus 29,437 hours required to manually review over 883,117 customer accounts that it would take a minimum of 29,510 hours to comply with the request in full

24. The Commissioner notes that, even taking the lower time of 1 minute, to manually review 883,141 individual customer accounts, SLC would require a minimum of 14,755 hours staff time excluding time for searches of information held elsewhere and times to review and respond which far exceeds the cost limit under FOIA. Given the necessity of

time-consuming and high-volume manual searches and reviews of the information in scope, the request exceeds the cost limit vastly.

25. The Commissioner considers that SLC estimated reasonably that it would take substantially more than the 18 hours / £450 limit to respond to the request. SLC was therefore entitled to apply section 12(1) of FOIA to the complainant's request.
26. The complainant made a refined request (quoted at paragraph 6) as part of their internal review request. SLC explained that this would also trigger the cost limit, on account of aggregation under section 12. The summary statistics requested are not readily available and lengthy manual searches would be required to extract any information potentially held. In addition to the cost of answering the original request, this would far exceed the cost limit.
27. The Commissioner considers that SLC was also correct to refuse the refined request under section 12(4) of FOIA as it relates to the same information and was received within a period of sixty working days.

Section 16(1) – The duty to provide advice and assistance.

28. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice² in providing advice and assistance, it will have complied with section 16(1).
29. The Commissioner is satisfied that SLC met its obligations to offer advice and assistance under section 16 of FOIA. It explained to the complainant that the only information it could provide within the cost limit was for parts 1-4 of the request. It disclosed this on a discretionary basis to save the complainant from needing to make a new, refined request. The complainant thanked SLC for this disclosure. SLC explained clearly that the further sections of the request could not be answered within the cost limit, regardless of refinement.

² <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Right of appeal

30. 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: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

31. 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.
32. 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

Michael Lea
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