

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

### **Decision notice**

**Date:** 26 March 2024

**Public Authority:** Oxford City Council

**Address:** Town Hall  
St Aldate's  
Oxford  
OX1 1BX

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

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1. The complainant has requested information with regards to Oxford Direct Services accounts. Oxford City Council (the council) refused the request under section 12 of the FOIA as it considered that the cost of compliance would exceed the appropriate limit set by section 12 of FOIA.
2. The Commissioner's decision is that section 12 of the FOIA is not engaged.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation.
  - Issue a fresh response to the complainant's request without relying on section 12 of FOIA.
4. The council 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 FOIA and may be dealt with as a contempt of court.

## **Request and response**

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5. On 17 August 2023 the council received the following information request from the complainant:  
  
"Please provide copies of documents you hold (do not include emails or minutes from meetings) concerning the delayed submission of the Oxford Direct Services Accounts 2021/22."
6. On 20 September 2023 the council refused the request under section 12. It argued that the costs of responding to the request would exceed the appropriate limit.
7. The complainant requested an internal review on 29 September 2023 and the council provided its internal review on 26 October 2023 upholding its initial refusal.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 26 October 2023 disputing the council's refusal of the request.
9. The scope of the case is for the Commissioner to determine whether the council is correct to rely on section 12 of FOIA to refuse to respond to the request.

## **Reasons for decision**

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### **Section 12 of the FOIA – Cost of compliance**

10. Section 12 of FOIA states that a public authority does not have to comply with a request for information if it estimates that the cost of doing so would exceed the appropriate limit.
11. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Fees Regulations") sets the appropriate limit at £450 for a local council. A public authority can take into account a supposed charge of £25 per hour of staff time for work undertaken to comply with a request when determining whether the appropriate limit would be exceeded, which equates to 18 hours work.

12. In estimating the time it will take to respond to a request, a public authority can take into account the time it will take to carry out the following tasks:
  - a) determining whether it holds the information;
  - b) locating the information, or a document which may contain the information;
  - c) retrieving the information, or a document which may contain the information; and
  - d) extracting the information from a document containing it.
13. In order to determine whether the council has correctly applied the exemption, the Commissioner asked the council to detail how it has estimated that the limit in section 12 of FOIA would be exceeded based on the above criteria.
14. The council responded explaining that, in order for it to establish whether there is any information held falling within the scope of the request, it would need to search 974MB of data held in relevant folders and in its accounting software. The council did not, however, provide the Commissioner with any explanation as to how it had estimated that searching the 974MB of data would exceed the 18-hour threshold set by section 12 of FOIA.
15. On this basis the Commissioner is unable to uphold the council's refusal and therefore finds that section 12 of the FOIA is not engaged.
16. The Commissioner therefore requires the council to issue a fresh response to the complainant without relying on section 12 of the FOIA.

## **Right of appeal**

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17. 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](mailto:grc@justice.gov.uk)

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

18. 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.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Ian Walley**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**