

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

### **Decision notice**

**Date:** 26 June 2024

**Public Authority:** Chief Constable of Thames Valley Police

**Address:** Headquarters  
Oxford Road  
Kidlington  
OX5 2MX

### **Decision**

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1. The complainant submitted a request for information regarding Thames Valley Police's (TVP) vehicle fleet.
2. The Commissioner's decision is that TVP are entitled to rely on section 12(1) (cost of compliance) of FOIA to refuse to provide the requested information.
3. The Commissioner does not require any steps as a result of this decision.

## Request and response

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4. The complainant made the following information request to TVP on 29 December 2023:

“May you please give me a list of the Thames Valley Police Vehicle Fleet from January 1st-December 31st, 2023? That includes vehicles before January 1st, 2023, that are still used in 2023.

- Date: January 1st-December 31st, 2023
- Model Year
- The Vehicle Make & Model
- Type of Vehicle (Example-Saloon, Wagon etc)
- Van's Wheelbase, Roof Size and Numbers of Wheels
- Number of Doors (Example: 3-Door, 5-Door etc)
- Registration Number Plate
- The Role of the Vehicle (Including Armed Response Unit)
- Roof Number
- The Year the Vehicle was Commissioned
- Video Camera (Yes or No)

I know that you are a joint force with Hampshire Constabulary but please give me the Police Vehicle List that is based in Thames Valley Jurisdictions including Berkshire, Buckinghamshire, and Oxfordshire.”

5. TVP responded on 17 January 2024 disclosing some information in scope of the request and cited section 31(1) (Law Enforcement) of FOIA to withhold some of the information. The complainant informed TVP of their dissatisfaction with its response and set out their grounds for this.
6. TVP provided its internal review response on 5 February 2024 citing section 14(1) to refuse the request. However, on 31 May 2024 It concluded that it had changed its reliance to section 12(1) of FOIA to refuse the complainant's request for information due to the volume of information in scope.

## Reasons for decision

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### Section 12 – cost of compliance exceeds the appropriate limit

7. Section 12 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 cost limit.

8. 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 TVP.
9. 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 of FOIA effectively imposes a time limit of 18 hours for the public authority to deal with the request.
10. 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 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.
11. 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 decision in the case of *Randall v IC & 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.
12. Section 12 of FOIA is an absolute exemption and 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.
13. 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?**

14. When dealing with a complaint to him under FOIA, it is not the Commissioner's role to make a ruling on how a public authority deploys its resources or how it chooses to hold its information.

15. Therefore, as set out in the Fees Regulations, the Commissioner has considered whether the estimated cost of responding to the request would exceed the appropriate limit of 18 hours.
16. As is the practice in a case where a public authority has cited the cost limit under section 12, the Commissioner requires the public authority to provide a more detailed explanation of its cost estimate.
17. TVP has stated that it has a fleet of over 1000 vehicles and the business area has calculated it would take approximately three minutes to review each file and extract the relevant data.
18. The above does not take into account the time taken to collate all relevant data extracted in order to make the data available to the requester.
19. In essence, therefore, this case turns on whether the estimate provided by TVP was reasonable.
20. The Commissioner recognises that the complainant may dispute that TVP is unable to respond to the request within the cost and time limit.
21. However, even if TVP's estimate of the time taken, per vehicle, to locate and extract the information was excessive, and if it were possible to carry out this step in half the time, which would be unlikely, it would still exceed the 18-hour limit. The Commissioner is satisfied that TVP has demonstrated that it would exceed the appropriate limit to locate, retrieve and extract the requested information.
22. Section 12(1) does therefore apply and TVP is not required to comply with the request.

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

23. Section 16(1) of FOIA sets out a duty for a public authority to provide advice and assistance to anyone who has made, or is thinking of making, a request for information.
24. 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.
25. The Commissioner acknowledges that even if the request in this case were refined by date range or amount of information requested, it would still entail the same fleet and therefore number of vehicles.

26. In the circumstances, the Commissioner considers this is a situation where it is difficult to provide any meaningful advice on how the requester could refine their request.
27. It therefore follows that he is satisfied that TVP met its obligations under section 16 of FOIA.

## **Right of appeal**

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28. 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)

29. 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.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Joanna Marshall**  
**Information Commissioners Office**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**