

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 12 November 2024

**Public Authority:** Chief Constable of West Yorkshire Police  
**Address:** PO BOX 9  
Laburnum Road  
Wakefield WF1 3QP

#### Decision (including any steps ordered)

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1. The complainant has requested information in respect of motoring offences in Halifax and Wakefield.
2. The above public authority ("WYP") relied on section 12(1) of FOIA (cost of compliance) to refuse the request.
3. The Commissioner's decision is that WYP was entitled to rely on section 12(1) of FOIA to refuse the request.
4. The Commissioner also finds that WYP complied with its section 16 obligation to offer advice and assistance.
5. The Commissioner does not require further steps to be taken.

#### Request and response

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6. On 10 July 2024, the complainant requested information on the following terms:

"Between January 2024 to July 2024:

Total number of motoring offences in Halifax and Wakefield:

Total number of people who were stopped for using a mobile phone?

Total number of people who accepted 6 points and a fine?

List other outcomes from the above offence such as people who challenged this penalty?

List the ethnic make up of the motorist.

Total number of people who challenged the 6 points and a fine and outcome?

From the above data how many of these people were White male?

From the above data how many of these people were White female?

From the above data how many of these people were Asian male?

From the above data how many of these people were Asian female?

From the above data how many of these people were Black male?

From the above data how many of these people were Black female?

How many White males were put/placed in the back of a Police van/car?

How many White females were put/placed in the back of a Police van/car?

How many White females were put/placed in the back of a Police van/car?

How many Asian males were put/placed in the back of a Police van/car?

How many Asian females were put/placed in the back of a Police van/car?

How many Black males were put/placed in the back of a Police van/car?

How many Black females were put/placed in the back of a Police van/car?

During these offences how many Police officers were present?

During these offences how many Police officers were male?

During these offences how many Police officers were female?

During these offences how many Police officers identified as they?

How many of the above were stopped by or had involvement from/with PC 2593?"

7. On 23 July 2024, the request was refused on the basis of the cost exemption in section 12(1) of FOIA. This position was upheld on internal review.

## Reasons for decision

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### Section 12 – cost of compliance

8. The following analysis covers whether complying with the request would have exceeded the appropriate limit.
9. Section 12(1) of the 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")
10. 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 the public authority in this case is £450.
11. 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 the public authority to deal with a request.
12. 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.
13. 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. 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.
14. 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.
15. 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.

### **The complainant's position**

16. The complainant does not accept that complying with their request would exceed the cost limit in section 12 of FOIA.

### **The public authority's position**

17. In its initial response to the complainant, WYP explained that it had carried out a search of all records during the period in scope of the request for the offence of "Use a handheld mobile phone/ device while driving a motor vehicle on a road" in Halifax and Wakefield which revealed 188 records for that offence.
18. WYP went on to explain to the complainant that a manual search of around 10 minutes for each of the 188 records would be required in order to determine the following requested information:
- Number of people who challenged the penalty and/or 6 point fine.
  - Breakdown of people by gender and ethnicity.
  - Details surrounding attending officers.
19. In addition, WYP explained that, because the complainant's request also referred to "Total number of motoring offences in Halifax and

Wakefield”, the search would have to be extended beyond just the offence of “Use a handheld mobile phone/ device while driving a motor vehicle on a road”. This would obviously reveal a great many more offences which in turn would need to be manually searched for all of the information requested.

20. As is the practice in a case in which a public authority has informed the complainant that it holds the information, the Commissioner expects the public authority to provide a reasonable estimate of the time/cost it would take to provide the information falling within the scope of this request.
21. WYP has explained that to manually search 188 records for all of the information requested in respect of the offence “Use a handheld mobile phone/device while driving a motor vehicle on a road” would take approximately 10 minutes each which equates to just over 31 hours of work, and that to search for all of the information requested in respect of all motoring offences would take considerably longer.
22. The Commissioner is satisfied by WYP’s explanation and the estimate provided. Even if WYP has over-estimated the work involved, if estimate were reduced by half, this would still exceed the 18-hour limit in section 12(1) FOIA by some way.
23. Therefore, it is the Commissioner’s view that complying with this very broad request would exceed the cost limit and so WYP was entitled to rely on section 12(1) of FOIA to refuse the request.

## **Procedural matters**

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### **Section 16 – advice and assistance**

24. Section 16 of FOIA requires public authorities to provide reasonable advice and assistance to those making, or wishing to make, information requests.
25. When a public authority refuses a request because the cost of compliance exceeds the appropriate limit, it should explain, to the requester, how they could refine their request such that it would fall within that limit. In rare cases, it will be appropriate for the public authority to explain to the requester why their request cannot be meaningfully refined.
26. In this case, the public authority informed the requester in its initial response:

“West Yorkshire Police may be able to provide the number of offences in Halifax and Wakefield for “Use a handheld mobile phone/device while driving a motor vehicle on a road” broken down by district, notice status and ethnicity.”

27. On internal review the public authority explained again to the complainant:

“As per the Section 16 advice and assistance, we hold extractable data on motoring offences, which can be broken down by offence, ethnicity and district. To extract the gender/placed in a Police vehicle/how many and which police officers were present would involve a manual review of each offence.”

28. The Commissioner is therefore satisfied that the public authority did comply with section 16 of FOIA when dealing with this request.

## Right of appeal

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29. 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)

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

**Michael Lea**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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