

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 December 2024

Public Authority: Department for Education
Address: Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Decision (including any steps ordered)

1. The complainant has requested information about cancelled or reduced funding allocations. The above public authority ("the public authority") relied on section 12 of FOIA (costs) to refuse the request.
2. The Commissioner's decision is that the public authority was entitled to rely on section 12 of FOIA to refuse the request. The public authority also complied with its obligation, under section 16 of FOIA, to provide reasonable advice and assistance.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 5 June 2024 the complainant requested information of the following description:

"I would like to submit a freedom of information request to find out which organisations (1) receiving funding through the Department for Education, or (2) holding contracts related to the work of the Department, between 1 January and 29th April 2024 were notified of either

- (a) a reduction in, or

(b) the cancellation of, their funding, broken down by category;

“and which of those organisations will have funding withdrawn

(i) in the current financial year, or

(ii) over the next two financial years;

“and what is the total amount that will be withdrawn for such organisations over those periods.”

5. On 20 June 2024, the public authority responded. It refused the request and relied on section 12 of FOIA in order to do so. It upheld this stance following an internal review.

Reasons for decision

6. Section 12 of FOIA allows a public authority to refuse a request for information if the cost of complying with that request would exceed a particular amount. That amount is £600 for this public authority – the equivalent of 24 hours of staff time.

7. When calculating costs, the public authority may only take into account the time it would need to spend identifying relevant information and then locating, retrieving or extracting that information.

8. Section 12 does not include a public interest test. Either a request exceeds the limit or it does not.

9. The public authority explained that it had already carried out a sampling exercise as it had already dealt with an identical parliamentary question. The public authority had been unable to provide the information in response to the parliamentary question and had cited disproportionate cost – which it may only do if the cost of compiling the information exceeds £850.

10. In order to identify and extract all relevant information, the public authority would need to search 150 files and almost 106,000 rows of finance records to be certain it had identified all relevant information. It estimated that this would take around 143 hours to complete.

11. The complainant argued that this information may have been provided to incoming ministers and that it would be needed in order to compile the annual accounts.

12. The Commissioner put these specific points to the public authority which responded to say that this level of detail had not been included in ministerial briefs. It also stated to the Commissioner that it did not require this level of granularity of information to prepare annual accounts.
13. The Commissioner recognises that the complainant is more familiar than most with the inner workings of the public authority. However, the public authority has stated explicitly that it has not compiled the information and there is no evidence to suggest that it has in fact done so (whether it ought to have done so or not). The Commissioner is therefore left to conclude that the only way of compiling the requested information is via the process the public authority has set out. He would also note that, if the public authority's assurances are not correct, it may have misled Parliament.
14. The Commissioner notes that the public authority's estimate is supported by a sampling exercise and that it would need to be reduced tenfold in order to bring the request under the cost limit. Given the number of records involved, he does not consider that such a reduction is feasible.
15. The Commissioner is therefore satisfied that the request would exceed the cost limit and that the public authority was entitled to refuse it.
16. Given that the public authority suggested that the complainant narrow his request by limiting it to specific types of grants or contracts, the Commissioner is also satisfied that it met its section 16 obligation to provide reasonable advice and assistance.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF