

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 March 2025

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office related to vouchers provided as Reward and Recognition to its members of staff.
2. The Commissioner's decision is that:
 - The Home Office was entitled to rely on section 12(1) of FOIA to refuse the request.
 - The Home Office complied with its section 16 obligation to offer advice and assistance.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 8 July 2024, the complainant wrote to the Home Office and requested information in the following terms:

"I would like to make a formal request under the Freedom of Information Act for some information in relation to awards of Reward & Recognition vouchers across Belfast command.

Could you please provide the following information. The total monetary amount of vouchers awarded to the following groups of staff over the last 12 months & 6 months from 1st July 2023 until 30th June 2024

1. Teams based at Belfast International Airport*; (Total amount for combined teams Alpha, Bravo, Charlie, Delta, Echo) (*4 teams prior to 1st April 2024)
2. Northern Ireland Protocol Teams; (Total amount for combined teams NIP1-5)
3. Freight/Brigading/Post&Parcels (Total amount for combined teams)."
5. On 1 August 2024, the Home Office responded. It explained that due to how the Reward and Recognition vouchers are arranged and issued, it was not possible to separate the monetary amount by teams. In an attempt to assist the complainant, it did provide some information in an aggregated format across all of the Border Force Northern Ireland.
6. In its internal review, the Home Office advised that some additional information could be provided in response to the request. It provided the complainant with a table which showed the monetary value of Rewards and Recognition across the three requested teams for the periods of 1 August 2023 to 15 August 2024 and 1 January 2024 to 30 June 2024. It did clarify that it did not hold the information from 1 July 2023 and stated that the figures provided were for the total Reward and Recognition payments rather than being limited to vouchers.

Scope of the case

7. During the Commissioner's investigation into the case, the Home Office explained it would like to revise its position and rely on section 12(1).
8. The complainant was informed of this revised position, but advised that they were not satisfied with the handling of the complaint.
9. Due to the above, the Commissioner will consider the application of section 12(1) as part of his investigation.

Reasons for decision

Section 12 – cost of compliance

10. The following analysis covers whether complying with the request would have exceeded the appropriate limit.
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 the Home Office is £600.
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 24 hours for Home Office.
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 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. 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.

The Home Office's position

18. The Home Office explained to the Commissioner that to break down the total amount of vouchers alone would exceed the appropriate limit.
19. In order to retrieve the requested information, the Home Office would be required to locate the names of each team member within the departments outlined by the complainant in their request. The Home Office also confirmed that the same would need to be done for each team members line managers.
20. The Home Office advised that to do this, it would be required to contact the respective areas outlined in the request and ask them to provide a breakdown of staff names. It estimated that this would take each team a conservative 10 minutes to do.
21. The Home Office outlined that, as the complainant had requested information regarding four different teams located within Belfast International Airport in their first question, the above step would take a total of 40 minutes to complete.
22. After completing the above, the line managers of each team would then be required to review the HR system to locate and retrieve the requested information for each member of staff. It confirmed that the line managers would then be required to review each individual's account separately, as the information would be stored within their individual account that contains their personal data.
23. The Home Office explained to the Commissioner that there are also system capability issues which would also need to be considered, as the current system cannot access reward information over 12 months old.
24. The Home Office stated that there are approximately 230 staff members across the four teams outlined in question 1. It estimated that it would take approximately 10 minutes for the relevant line manager to review each of the 230 member of staffs HR account for the requested information.
25. This means for question 1 alone, the Home Office would be required to spend over 38 hours retrieving the information contained within staff files, on top of the 40 minutes identifying each member of staff within each team.
26. The Home Office did confirm that in order to verify their estimates, three members of staff conducted a sampling exercise on the above required steps. Each member of staff confirmed that it took approximately 10 minutes to locate and retrieve the requested information.

The Commissioner's view

27. The Commissioner is satisfied that complying with this request would exceed the appropriate limit.
28. The Home Office has clearly outlined that responding to question 1 alone would exceed the appropriate limit due to the number of staff within the four requested departments. It has outlined that it would be required to check each member of staff's HR record for the requested information.
29. The Commissioner considers that the estimates provided to him based on the work involved in locating and retrieving the requested information are reasonable, and for this reason the Commissioner is satisfied that complying with the request would therefore exceed the cost limit.
30. Based on the above, the Commissioner is satisfied that the Home Office was entitled to rely on section 12(1) of FOIA to refuse the request.

Procedural matters

31. Section 16 of FOIA requires public authorities to provide reasonable advice and assistance to those making, or wishing to make, information requests.
32. 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.
33. In this case, the Home Office informed the requester that if they were to limit the request to fewer departments, it may be able to review its application of section 12.
34. The Commissioner is therefore satisfied that the Home Office did comply with section 16 of FOIA when dealing with this request.

Other matters

35. The Commissioner would like to take this opportunity to remind the Home Office that before responding to a request, it should ensure that it has undertaken an appropriate search for the information within the scope of the request.
36. In this case the complainant was advised that the Home was unable to separate the monetary amounts by teams. The Commissioner notes that

from the breakdown provided, the Home Office is able to separate the monetary amounts by teams, but doing so would exceed the cost limit.

Right of appeal

37. 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

38. 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.
39. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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