

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 21 January 2025

Public Authority: Department for Energy Security and Net Zero
1 Victoria Street
London
SW1H 0ET

Decision (including any steps ordered)

1. The complainant made a request to the Department for Energy Security and Net Zero (DESNZ) for information about the Redcar Hydrogen Village Trial. DESNZ refused to provide the information on the grounds that it engaged regulation 12(4)(b) (manifestly unreasonable) of the EIR.
2. The Commissioner's decision is that DESNZ was entitled to rely on regulation 12(4)(b) of the EIR to refuse the request. He also finds that DESNZ complied with regulation 9(1) of the EIR (advice and assistance). However, DESNZ breached regulations 5(2) and 14(2) of the EIR by failing to respond to the request within 20 working days.
3. The Commissioner does not require DESNZ to take any steps to ensure compliance with the legislation.

Background

4. The Commissioner understands that the 'Redcar Hydrogen Trial'¹ was a proposed pilot to replace home gas supplies with hydrogen. Northern Gas Networks planned to heat around 2,000 homes and businesses in Redcar with hydrogen, but the pilot was cancelled due to insufficient local hydrogen production. The decision followed opposition to the project from residents raising concerns about cost and safety, while critics had argued hydrogen was unsuitable for home heating as it was less efficient than alternatives, such as heat pumps².
5. The Commissioner notes that the Redcar Trial had been cancelled at the time the request was responded to by DESNZ³.

Request and response

6. On 22 November 2023, the complainant requested the following information from DESNZ:
 - a. "The final Redcar Trial design proposal submitted by Northern Gas Networks.
 - b. Any previous Redcar Trial design submissions (or at least the three previous versions) made by Northern Gas Networks.
 - c. Any revisions or related correspondence to revisions that the public authority requested Northern Gas Networks to make in response to any iteration of the Redcar Trial design submissions.
 - d. A summary of Northern Gas Networks' proposal regarding the offer to residents of electric alternatives, including and in particular heat pumps, in all Redcar Trial design submissions, including Northern Gas Networks' assessment of heat pump suitability in the trial area properties and amendments made to the design submissions in this regard.

¹ <https://www.northerngasnetworks.co.uk/2022/05/09/redcar-proposed-as-pioneering-hydrogen-community/>

² <https://www.ft.com/content/71eb825d-b5ff-4097-9e22-c3c4de0fa817>

³ <https://www.bbc.co.uk/news/articles/c842wzn9g35o>

If the above request is deemed too broad, please provide any of the individual parts that are available (a, b, c or d). If any of the above information is deemed commercially sensitive, please provide a redacted version to avoid the commercially sensitive information.

4. For the purposes of this Request, we limit the scope of the Request to all information created, received, modified, utilised, accessed or published on or after 1 January 2021."

7. On 15 January 2024, DESNZ issued a refusal notice citing regulation 12(4)(b) of the EIR. DESNZ did not specifically address in its refusal notice the complainant's proposed refined request (ie if the request is deemed too broad, please provide any of the individual parts that are available (a, b, c or d)). Instead DESNZ suggested that the complainant refine the request by narrowing its scope. It suggested the complainant identify a particular aspect(s) of the Trial they are interested in, or restrict it to a narrower timeframe or types of correspondence.
8. On 11 March 2024, the complainant submitted a detailed internal review request disputing that regulation 12(4)(b) applied to the request and provided search terms such as 'electric alternatives', 'heat pumps', 'revisions', and 'proposal' that could be used to make the search more efficient. Should the original request be considered by DESNZ to be too broad, the complainant offered to significantly narrow the scope of the request to:
 - a. (original question a) The final Redcar Trial design proposal submitted by Northern Gas Networks.
 - b. (original question d) Northern Gas Networks' assessment of heat pump suitability in the trial area properties and amendments made to the design submissions in this regard.
9. On 10 May 2024, DESNZ upheld its position in its internal review response and refused to provide the information requested in the original four part request citing regulation 12(4)(b). It said:

"The volume of work required is largely associated with item (c) in your request. As an example, one mailbox that was reviewed in making our assessment revealed a volume of emails in the thousands that could potentially be relevant to revisions of trial design since October 2023. There are a large number of mailboxes across the department that would require searching. This demonstrates the cost burden related to your request and how it would divert resources from ongoing live policy work."

10. By way of further advice and assistance, DESNZ said: "You may wish to submit a refined request, with consideration for the advice above regarding item (c)". DESNZ also said: "I note that your email of 11 March contained (at paragraph 14) a potential refined request. Because this was contained within correspondence seeking an internal review of the original request, we have not processed this as a new freedom of information request at this time. You are of course free to submit this as a new request if you wish".

Scope of the case

11. The complainant contacted the Commissioner on 19 June 2024 to complain about the handling of their request. The complainant maintained that the request was not manifestly unreasonable and that there was a substantial public interest in the requested information. They also complained about DESNZ's refusal to consider their refined request proposal as set out in their original request of 22 November 2023.
12. This decision notice therefore considers DESNZ's reliance on regulation 12(4)(b) and whether it has complied with regulation 5(2) and its obligation to provide advice and assistance in line with regulation 9 of the EIR.

Reasons for decision

Regulation 12(4)(b) – Manifestly unreasonable request

13. Under regulation 12(4)(b) a public authority may refuse to disclose environmental information to the extent that the request for information is manifestly unreasonable.
14. The Commissioner considers that a request can be manifestly unreasonable for two reasons: firstly, if the request is vexatious and secondly where compliance with the request would place an unreasonable burden on the public authority both in terms of costs and the diversion of resources.
15. The public authority is relying on the latter theme of 12(4)(b). There is a high burden on public authorities to demonstrate to the Commissioner that regulation 12(4)(b) is engaged. The Commissioner expects a public authority to provide both a detailed explanation and quantifiable evidence to justify the cost of complying with a request both in monetary terms and resourcing.

16. The EIR do not provide a definition of what constitutes an unreasonable cost. This is in contrast to FOIA under which a public authority can refuse to comply with a request if it estimates that doing so would exceed the 'appropriate limit'. This appropriate limit is defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004⁴ ('the Regulations') as £600 for central government departments and £450 for all other public authorities. This would create an appropriate limit for DESNZ of 24 hours' work under FOIA.
17. The Regulations further provide that, in estimating the time and burden involved in responding to a request, a public authority should apply a flat rate of £25 per hour in respect of the staff time it would take to:
 - determine whether it holds the information;
 - locate the information, or a document which may contain the information;
 - retrieve the information, or a document which may contain the information; and
 - extract the information from a document containing it.
18. Although the Regulations are not directly applicable to the EIR, in the Commissioner's view they can in some cases provide a useful point of reference for a public authority that is considering the application of 12(4)(b). However, the public authority must balance the estimated costs against the public value of the information which would be disclosed, before concluding whether the exception is applicable.
19. In a submission to the Commissioner, DESNZ explained that the original request was very broad and would require a substantial volume of work. It said:

"The department's stance is based on the volume of emails involved.

..the volume of work required is largely associated with item (c) in the request."
20. DESNZ has provided a sampling exercise in support of its application of regulation 12(4)(b) (using the refined search terms provided by the complainant in the internal review request – see paragraph 8 above). It

⁴ <https://www.legislation.gov.uk/uksi/2004/3244/contents>

stated that searching individual inboxes is the most efficient means available to DESNZ officials to retrieve the information requested. There is no feature available for departmental officials to search emails en-masse.

21. DESNZ went on to explain that using the search terms suggested by the complainant in their internal review request ('electric alternatives', 'heat pumps', 'revisions', and 'proposal'), a team member searched their email inbox for relevant correspondence and identified 164 emails. DESNZ estimated that it would take approximately 490 minutes (or 8.1 hours) to review one inbox, based on an assumption that it would take three minutes per email to locate, retrieve, extract and redact the relevant information.
22. DESNZ multiplied the estimated time for one inbox by the number of relevant staff who worked in hydrogen heating during the time period covered by the request (22 staff). This resulted in an estimate of 3,608 emails, taking approximately 180 hours to review.
23. DESNZ further advised that its estimate was conservative and it may be much higher as the member of staff who completed the search did not have responsibility for either the consumer offer or for revisions to the proposal (i.e. the areas most relevant to the request). DESNZ argued therefore that the number of emails is likely to be substantially higher for team members who had responsibility in these areas.
24. DESNZ also explained in its submissions that it believed that exceptions to disclosure, such as those related to confidentiality (regulation 12(5)(e)), will apply to a significant proportion of the information. This was because the information was based on conversations with DESNZ's commercial partners, where confidentiality was assumed. DESNZ said it would not want to hamper the department's work by harming its relationships with commercial industry.
25. Finally, DESNZ explained that the Redcar Trial proposal is not being implemented so the public value of the information is 'minimal' and does not justify the extensive effort needed to locate, retrieve, and redact the information. (For the avoidance of doubt, the Commissioner understands that the trial was cancelled on 14 December 2023 and that DESNZ's statutory obligation was to respond to the request within 20 working days or by 21 December 2023. It should be noted that the Commissioner's role is to consider the application of any exceptions (including the balance of the public interest test) on the basis of how matters stood at the time the request should have been first responded to DESNZ and by this time, the trial had been cancelled).

26. The Commissioner must determine whether DESNZ's estimate is reasonable. The estimate must be sensible, realistic and supported by cogent evidence. It should be based on the quickest method of gathering the information requested, considering how the public authority actually holds its records (which in this case is via email inboxes which is acceptable).
27. The Commissioner notes that the request is very broad and covers a significant time period (just under three years). Question (b) asks for *any* previous versions of the Redcar Trial design submissions. Question (c) is asking for copies of *all* correspondence concerning proposal revisions between DESNZ and Northern Gas Works, and question (d) asks for Northern Gas Works proposals for electric alternatives in *all* Redcar Trial design submissions.
28. As set out above DESNZ has described how its searches and sampling exercises have resulted in an estimate of at least 180 hours in order to respond to the request.
29. The Commissioner notes that DESNZ provided the Commissioner with a sample of ten emails, which he has reviewed. It is unclear if the emails are from the staff inbox where the sample was conducted or from another inbox. The Commissioner notes that they illustrate the various sensitivities involved, including redactions needed for commercial confidentiality and personal data. However, the Commissioner also notes from the sample emails provided to him that most were relatively short emails compared to one which was much larger, technical and would take longer to consider. The Commissioner also would expect there to be an amount of duplication of emails between the 22 staff, which should reduce the substantive consideration time. The Commissioner also considered whether it may have been better for DESNZ to ask a few of the 22 staff to run a search of their own inboxes to provide the sample, rather than multiply the estimated time for one inbox by 22 staff. But on balance, he considers that one inbox search is sufficient evidence / analysis in the circumstances of this case.
30. Based on the sample, the Commissioner is sceptical that it would take an average of three minutes per email or at least 180 hours in order to respond to the request. However, taking account issues of duplication and length of emails and, even if it would only take on average 1.5 minutes per email, the Commissioner notes that this would still equate to a response time of 90 hours. On this basis compliance would vastly exceed the 24 hour appropriate limit as legislated for under FOIA, by a considerable margin.

31. The Commissioner's view is that DESNZ could not be expected to absorb that amount of activity without it having an impact on its other areas of work. Complying with the request would impose a significant impact on DESNZ staff and would divert staff away from their core functions within the organisation for a significant amount of time.
32. The Commissioner is mindful that the EIR make provision for requests which involve complex or voluminous information. Regulation 7 allows public authorities to double the time for compliance from 20 working days to 40 working days. The Commissioner observes that DESNZ did not seek to rely on regulation 7 in this case. Nonetheless he considers that, had DESNZ done so, the additional time allowed would still be insufficient to prevent the request from being manifestly unreasonable. The Commissioner has examined regulation 7 in more detail below.
33. For the reasons set out above, the Commissioner satisfied that the request is manifestly unreasonable, and therefore finds that the exception at regulation 12(4)(b) is engaged.

Public interest test

34. Regulation 12(4)(b) is subject to the public interest test. This means that where an exception is engaged, a public authority may only refuse a request if the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Factors in favour of disclosure

35. DESNZ has identified that disclosure could enhance transparency and public understanding of DESNZ's activities and decision-making processes.
36. The Commissioner recognises that there will always be a general public interest in disclosure to promote transparency and accountability of public authorities, greater public awareness and understanding of environmental matters, and more effective public participation in official decision-making. He accepts that disclosure in this case would allow the public to see what DESNZ was considering in 2021-2023 in relation to hydrogen in domestic settings. The Commissioner recognises the public interest in this issue and in understanding more closely what actions and deliberations took place within the relevant authorities leading up to the Trial.

37. As set out in his decision in IC-309060-T3L8⁵ in relation to an identical request by the complainant to Ofgem, the Commissioner notes that Ofgem has acknowledged that there has been some public concern about the safety of Hydrogen Village Trials. In another decision, IC-312788-Q0C4⁶, the Commissioner noted that 'Hydrogen Villages' such as Redcar were key plans under the government's goal to reach net zero by 2050. So it follows that there is a public interest in increasing public understanding of the projects and in the work undertaken to assess the projects. Disclosure would also demonstrate the evolution of hydrogen projects.
38. The Commissioner has also taken into account the complainant's views that the request has a legitimate aim as "disclosing environmental information ... supports the right of everyone to live in an adequate environment."
39. In their original request for information, the Commissioner notes that the complainant said that:
- "We consider the provision of this information to be in the interest not only of the public directly affected by the Redcar Trial, but also of general public interest due to the current national debate and impending national policy decisions on the potential use of hydrogen in domestic settings. The cost benefit analysis and safety of hydrogen in domestic settings and assessment of the suitability, and offer of, electric alternatives including heat pumps, is of integral importance to this discourse and any related policy decisions."
40. In their internal review request, and acknowledging that the Trial had by this time been cancelled, the complainant argued:
- "Despite the fact that the Redcar Trial will not be pursued, information relating to the Trial still had and continues to have effects on the public. Moreover, this information is of wider interest to the UK public more generally, particularly given that broader policy discussions around hydrogen in homes, including a strategic governmental decision on hydrogen for heat, remain live. As such, we strongly believe that

⁵ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4031327/ic-309060-t3l8.pdf>

⁶ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4031503/ic-312788-q0c4.pdf>

the requested information should be disclosed due to overwhelming public interest, even if it is deemed to be manifestly unreasonable.”

Factors in favour of maintaining the exception

41. The public interest in maintaining this exception lies in protecting public authorities from exposure to disproportionate burden. Dealing with a manifestly unreasonable request may strain a public authority's resources and get in the way of it delivering mainstream services or answering other requests.
42. DESNZ maintained that the request was too broad (especially as regards item (c) of the request). It explained that while it “considered whether there would be value to the public in providing transparency on decision-making processes ... the significant resource burden and potential diversion of staff from essential duties outweighs the benefits of disclosure.”
43. DESNZ argued that compliance with the request would divert DESNZ resources away from ongoing live policy work. It further argued that given the Trial was not going ahead, the public value of the information was reduced and did not justify the extensive effort that would be needed to locate, retrieve and redact the documents.

Balance of the public interest

44. In this instance, the Commissioner has decided that the balance of the public interest lies in maintaining regulation 12(4)(b).
45. The Commissioner considers there are some arguments in favour of disclosure in this case, such as the broader policy discussions around hydrogen in homes and as it is assumed that public expenditure was incurred in the trial. There is a public interest in helping the public understand the possibilities of Hydrogen Villages and the work the government is doing to move towards its net-zero target. Where environmental information is concerned, the Commissioner expects in some cases public authorities to accept a higher level of burden in terms of complying with requests for information to those considered under FOIA due to the presumption in favour of disclosure.
46. The Commissioner notes the brevity, generic wording, and limited case specific analysis of the explanation provided by DESNZ in its submissions to the Commissioner with regard to the public interest. However the Commissioner is mindful that he is required to weigh up the impact compliance would have on the public authority's time and resources, against the identified public interest arguments in favour of disclosure.

47. In the Commissioner's opinion the request for information has been phrased to cover a large amount of information. Requesting "all" or "any" information on a particular topic is not in itself inappropriate, but often indicates that a public authority will be required to conduct searches, which may be extensive. The Commissioner notes that the complainant did recognise that their request may be too broad, which suggests that they should not be unduly surprised to have received a refusal notice confirming this.
48. In this case, even at a rate of an average of 1.5 minutes per email it would take DESNZ a minimum of 90 hours to collate and review/redact the requested information. This equates to over two week's work (11 days work for one individual at DESNZ (at 8 hours per day)) and therefore highlights just how much recorded information potentially falls within this request and what compliance for DESNZ would involve. DESNZ has explained how the information is held and what would be involved in retrieving the requested information. The Commissioner has accepted that this would comfortably exceed the appropriate limit set out in the Regulations if this were to be handled under FOIA.
49. The Commissioner notes that DESNZ is a large government department but recognises that even its resources would be put under significant strain to respond to the request should it be required to do so. Providing a response to the complainant's request would require a significant diversion of DESNZ's resources, and affect its ability to carry out its other functions. Despite some public interest in the information, in the Commissioner's opinion, this would place an overwhelming burden upon DESNZ in terms of time and expense. It would have to disproportionately divert a huge amount of time and resources away from other functions in order to comply and on this scale, the Commissioner is satisfied that this is not in the wider interests of the public, especially as the Trial was cancelled and did not go ahead. There is also a selection of information in the public domain about the Trial which goes some way towards satisfying the public interest (see below).
50. The Commissioner notes that at the time the request was responded to the Redcar Trial had been cancelled. He considers that this weakens the public interest in compliance with the request. Further he notes that there is a significant amount of information in the public domain about the Redcar Hydrogen Trial. The Commissioner has considered this case on its own merits but has had regard to previous decisions: in IC-312788-Q0C4⁷ in relation to a different request to Northern Gas

⁷ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4031503/ic-312788-q0c4.pdf>

Networks; and in IC-309060-T3L8⁸ in relation to an identical request by the complainant to Ofgem. For example both Northern Gas Networks and Ofgem signposted the complainant to information on the hydrogen village trial proposals that had been published by Northern Gas Networks in March 2023 and September 2023 (ie before the request in this case was made in November 2023).

51. The complainant has also advised the Commissioner that they have been able to obtain some of the requested information from another public authority. They said they:

“submitted an identical EIR request to Northern Gas Networks on 22 November 2023. Northern Gas Networks has agreed, following an internal review, to disclose the final Redcar design proposal (item 1 of our request), and confirmed that no assessment of heat pump eligibility was carried out to date (item 4 of our request). Therefore, it is important to note that, subject to satisfactory disclosure, we will be in possession of at least some of the information requested.”

52. In further support of this, in its submission to the Commissioner in IC-309060-T3L8, Ofgem advised that it was aware of a similar request for information that had been made to Northern Gas Networks. In response to this request Ofgem was aware that Northern Gas Networks had published a copy of its final submission on its website (the file, can be found in ‘The Future’ section of this webpage and is called Redcar Hydrogen Community Stage Two submission March 2023”).⁹ Again, the Commissioner is of the opinion that making similar requests to different public authorities is not in itself inappropriate. Nor does it prevent the public authority considering reliance on regulation 12(4)(b) from considering the public interest in compliance in the context of information already disclosed into the public domain by other authorities.
53. For the above reasons, the Commissioner is persuaded that the public interest in favour of disclosure is outweighed by the public interest in favour of maintaining the exception. He accepts DESNZ’s clear emphasis on the strong public interest in protecting public authorities from the resource implications of having to deal with burdensome requests and in such requests not detracting from its core functions. He further accepts

⁸ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4031327/ic-309060-t3l8.pdf>

⁹ <https://www.northerngasnetworks.co.uk/document-library/>

that directing DESNZ staff to focus on addressing the complainant's request for a period of 11 days would be a significant distraction.

54. In light of this, the Commissioner concludes that the public interest in disclosure does not justify the burdensome impact of compliance on DESNZ. The Commissioner appreciates that the complainant may argue that the request may be so important as to justify impacting other areas of work to deal with this. However, in all the circumstances (including in considering the information which is available to the public), the Commissioner is not persuaded by that argument in this case. His decision is therefore that the public interest clearly favours maintaining the exception, and that DESNZ was therefore entitled to rely on regulation 12(4)(b) to refuse to comply with the request.

Regulation 12(2) - Presumption in favour of disclosure

55. Regulation 12(2) of the EIR requires a public authority to apply a presumption in favour of disclosure when relying on any of the regulation 12 exceptions.
56. As set out above, in this case the Commissioner's view is that the balance of the public interest favours the maintenance of the exception, rather than being equally balanced. Whilst the Commissioner's decision is informed by the presumption provided for in regulation 12(2), he is satisfied that the exception provided by regulation 12(4)(b) was applied correctly.

Regulation 9 – Advice and assistance

57. Regulation 9(1) of the EIR says that a public authority shall provide advice and assistance, so far as it would be reasonable to expect it to do so, to applicants and prospective applicants. The First-tier Tribunal has also commented that public authorities have a duty to act in a reasonable way when refusing a request under regulation 12(4)(b)¹⁰.
58. Where a public authority is refusing a request under regulation 12(4)(b) as manifestly unreasonable because of burden or cost, the Commissioner normally expects it to provide the requester with reasonable advice and assistance to help them submit a more manageable request.

¹⁰[https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1711/Bright,%20Timothy%20EA.2015.0107%20\(16.11.15\).pdf](https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1711/Bright,%20Timothy%20EA.2015.0107%20(16.11.15).pdf)

59. In this case, on 15 January 2024 in its initial response to the request, DESNZ did suggest that the complainant refine their request by narrowing its scope. It suggested the complainant identify a particular aspect(s) of the village trial in which they were interested, or restrict it to a narrower timeframe or type of correspondence. The Commissioner accepts that this advice satisfies the requirements of regulation 9.
60. The Commissioner also notes that the complainant proposed a refined request in their original request of 22 November 2023 – if the original request was deemed too broad. DESNZ was not obliged to comply with this alternative request as it would not become relevant unless and until DESNZ decided that original request was too broad. DESNZ was only obliged to provide a response to the original request at this point. However, the Commissioner notes that DESNZ could have specifically addressed the proposed refined request when providing advice and assistance on 15 January 2024¹¹. For example, it could have offered to consider the proposed refined request, now that the decision to refuse the original request had been communicated.
61. In any event, on 11 March 2024, the complainant duly followed DESNZ's advice and offered to significantly narrow the scope of the request to two questions only – questions (a) and (d) ie the complainant suggested restricting their request to two "types of correspondence".
62. In addition, the later advice given by DESNZ when informing the complainant of the internal review outcome would, in the Commissioner's view, also satisfy the requirements of regulation 9. That advice being, to omit a specific part of the original request (question (c)) which was particularly onerous to deal with – for reasons of the cost burden associated with this part of the request.
63. In conclusion the Commissioner finds that DESNZ complied with its obligations set out at regulation 9 of the EIR.

¹¹ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/recognising-a-request-made-under-the-freedom-of-information-act-section-8/#arerequestsframed>

Procedural matters

64. Regulation 5(2) of the EIR provides that information shall be made available as soon as possible and no later than 20 working days after the date of receipt of the request.
65. Regulation 14(2) provides that a refusal shall be made as soon as possible and no later than 20 working days after the date of receipt of the request.
66. Regulation 7(1) allows a public authority to extend the time for compliance from 20 to 40 working days if it reasonably believes that the complexity and volume of the information requested means that it is impracticable to meet the 20 day deadline.
67. The Commissioner observes that the effect of extending the time for compliance under regulation 7(1) allows a public authority a further 20 working days. In the Commissioner's opinion a public authority concerned about the time taken to respond to a request ought to consider extending the time for compliance as provided by regulation 7(1), before refusing a request as manifestly unreasonable.
68. DESNZ did not indicate that it had sought to extend the time taken to respond. In any event a public authority wishing to rely on regulation 7(1) is required to notify the applicant of that fact within 20 working days of receipt of the request. The Commissioner has seen no evidence to suggest that DESNZ issued such a notification in respect of the request.
69. DESNZ provided its original response to the complainant's request 34 working days after the date of receipt. DESNZ did not rely on regulation 7(1) to extend the time for compliance from 20 to 40 working days. The Commissioner therefore finds that it breached both regulation 5(2) and 14(2).
70. The Commissioner would clarify that the extension provided by regulation 7(1) does not prevent a public authority from reliance on regulation 12(4)(b). He is of the opinion that authorities should, however, ensure that they have considered whether the additional 20 working days would make a material difference to the manageability of the request in question.

Right of appeal

71. 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

72. 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.
73. 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

Sarah O'Cathain
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