

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 April 2025

Public Authority: Maritime and Coastguard Agency (Executive Agency of the Department for Transport)

Address: Spring Place Commercial Road Southampton
SO15 1EG

Decision (including any steps ordered)

1. The complainant has requested from the Maritime and Coastguard Agency ("the MCA") information relating to an incident on 10 October 2009 at Mistley Quay, Essex. The MCA refused the request on the grounds that compliance would exceed the appropriate cost limit under section 12 of FOIA.
2. The Commissioner's decision is that the MCA was entitled to rely on section 12(1) of FOIA to refuse the request. The Commissioner also finds that the MCA breached section 16 of FOIA in this case. However, the Commissioner is satisfied that on this occasion there was no advice or assistance that could have been provided. He therefore does not require any further steps to be taken.

Request and response

3. On 21 August 2024, the complainant wrote to the MCA and requested information in the following terms:

"HM Coastguard attended an incident/rescue October 10, 2009, at Mistley Quay Essex. Would it be possible under the Freedom of Information Act to have your log/report of your attendance of what took place."

4. On 9 September 2024, the MCA responded. It refused the request stating that compliance with it would exceed the appropriate cost limit, under section 12 of FOIA.
5. On 2 October 2024, the MCA carried out an internal review and wrote to the complainant maintaining its position.

Scope of the case

6. On 24 October 2024, the complainant contacted the Commissioner to complain about the way their request for information had been handled.
7. The Commissioner has considered whether or not the MCA is entitled to rely on section 12(1) of FOIA to refuse the request.

Reasons for decision

8. Section 12 of FOIA concerns the cost of complying with a request. More detail about FOIA section 12 can be found in the Commissioner's ['Decision notice support materials'](#).
9. In cases where a public authority is relying on section 12, under section 16(1) of FOIA if it's reasonable to do so, it should offer an applicant advice and assistance to help them refine their request.
10. The MCA explained that the requested information is held in a 'raw, archived format' contained on a database within a previous decommissioned version of its command-and-control system, which, has no current support and has not had any support for over 10 years.
11. The MCA said that it consulted with its IT team and the external system supplier of the previous command-and-control system.
12. The MCA determined that in order to access and obtain information from the previous command-and-control system, it would need to purchase a licence for the system and also instruct a data base analyst/specialist that is familiar with the database language, who would need to engage with the original supplier of the system or engage a fresh supplier of database support (via a framework). This would be at an additional cost, likely on a day-rate basis. They would then need to create a front-end database for viewing the data in a readable format and write scripts to access the data. However, there is no certainty that the data will be retrievable in a usable/readable format due to its historical nature.

13. The MCA said that it would take 7.4 hours a day and 16 days to complete all the work associated with purchasing a licencing, making the database operational and writing the required scripts to attempt to access the requested information. It would therefore take the MCA 118.4 hours at a cost of £2,960 to complete this work, e.g., 7.4 hours per day x 16 days = 118.4, and £25.00 per hour x 118.4 = £2,960.
14. The MCA confirmed that retrieving the information from within the database of the previous command-and-control system would be the quickest method of gathering the requested information. It also confirmed that the database retention period is 20 years and is held in order to defend against any possible legal claims. However, the data within the database is considered to be "beyond use as it is not routinely accessible owing to access being prohibited by the high costs associated with gaining access."
15. The MCA has provided an estimate of the cost of purchasing a single enterprise licence for the command-and-control system. The Commissioner has not set out the cost in this decision notice as it could be commercially sensitive to the MCA but can confirm that it would exceed the cost limit of £600.
16. The Commissioner understands that costs other than staff time may only be included in the section 12 estimate if it would be reasonable to include those charges. In this case the Commissioner is prepared to accept that it is reasonable to include the cost of purchasing the licence, on the basis that the MCA does not have any current routine business need to access the data and justify the cost other than for the purpose of responding to this particular information request.
17. In light of the above the Commissioner is satisfied that the cost estimate provided by the MCA is sensible and realistic. He finds that the MCA was entitled to rely on section 12 of FOIA in order to refuse the request.

Procedural matters

Section 16 – advice and assistance

18. Section 16 of FOIA requires public authorities to provide reasonable advice and assistance to those making, or wishing to make, information requests.
19. When a public authority refuses a request on the grounds that the cost of compliance exceeds the appropriate limit, it must provide the requester with appropriate advice and assistance on how they may refine their request, in line with its duties at section 16. If a public

authority considers that there is no reasonable advice and assistance that can be offered, it is still obliged to inform the requester that this is the case.

20. During the course of the Commissioner's investigation, the MCA said that there is not a 'quicker solution to gather this information' due to it being held on a database within the previous command-and-control system and the complexities involved in accessing and retrieving the information. It is therefore unable to provide any advice and assistance in this case which may enable the complainant to submit a refined request.
21. The Commissioner finds that, at the point at which it was refusing the request with reliance on section 12, the MCA breached section 16 of FOIA by failing to confirm this to the complainant. However, as there is no reasonable advice and assistance that can be provided, the Commissioner does not require any further action to be taken by the MCA.

Right of appeal

22. 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

23. 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.
24. 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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