

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 October 2025

Public Authority: Department for Business and Trade
Address: Old Admiralty Building
London
SW1A 2DY

Decision (including any steps ordered)

1. The complainant has requested a list of export licences for seven military aero engines and related components or technology to Israel since 2014. The Department for Business and Trade (DBT) relied on section 12(2) of FOIA (cost of compliance) to refuse to comply with the request.
2. The Commissioner's decision is that DBT was entitled to rely on section 12(2) of FOIA to refuse to comply with the request. The Commissioner also finds that DBT 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 6 February 2025, the complainant wrote to DBT and requested information in the following terms:

“Please provide

1. A PDF of a list of export licence applications (in order of application completion dates) to export any of the following military aero engines, or related components or technology, to Israel since 2014.

- 1.1. R801
- 1.2. R801010
- 1.3. R802P
- 1.4. R802W
- 1.5. R902
- 1.6. R902W
- 1.7. R903

2. Where the exporter is any of the following please indicate with highlighting

- 2.1. UAV Engines Ltd
- 2.2. UAV Tactical Systems Ltd
- 2.3. Elbit UK Ltd.”

5. On 25 February 2025, DBT responded. It relied on section 12(2) of FOIA to refuse to comply with the request.

6. DBT upheld its position following an internal review on 27 March 2025. It said:

“Licence applications would have to be manually retrieved from SPIRE and LITE, the Export Control Joint Unit’s (ECJU) web-based processing systems, for the detailed goods description, including any technical specifications attached in supporting documents.

...

The Technical Assessment Unit within ECJU have identified around 1036 goods lines potentially in scope of this FOIA request, which would have to be manually reviewed to determine whether these goods relate to one of the 8 [sic] model numbers specified in your request. It would take an average of 5 minutes to check each goods line, including the supporting technical specification documents provided as part of the licence application to determine whether it falls in scope of your request. This

gives an indicative cost calculation of 86 hours to process your FOIA request.”

7. As regards section 16 advice and assistance, DBT suggested the request be narrowed in timeframe in order to reduce the number of total licences in scope and that the complainant focus his request on specific Military List Ratings rather than model numbers.

Scope of the case

8. The Commissioner considers that the scope of his investigation is to determine whether DBT was entitled to refuse to comply with the request by way of section 12(2) of FOIA. The Commissioner will also consider if there has been a breach under section 16 (advice and assistance) of FOIA.

Reasons for decision

Section 12 – cost of compliance

9. The following analysis covers whether complying with the request would have exceeded the appropriate limit.
10. 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”).
11. 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 DBT is £600.
12. 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 DBT.
13. Where a public authority is relying on section 12(1) to refuse a request it must still confirm whether or not it holds the information. However, a public authority may rely on section 12(2) if the cost of determining whether the information is held would, on its own, exceed the appropriate limit. Therefore when applying section 12, a public authority should be clear when responding to the requester what its position is, ie whether it would exceed the appropriate limit to determine whether it holds the information ie section 12(2), or if it has established that it

holds the information, but it would exceed the limit to gather it, ie section 12(1).

14. If section 12(2) applies, the public authority does not need to confirm or deny that it holds the information.
15. A public authority does not have to make a precise calculation of the cost of establishing whether information is held; 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 determining what, if any, information is held.
16. The task for the Commissioner here is to determine whether the cost estimate by the DBT was reasonable. If it was, then section 12(2) was engaged, and the DBT was not obliged to confirm or deny whether the requested information was held as even doing this would exceed the cost limit.
17. Section 12(2) 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.
18. Where a public authority claims that section 12(2) 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

19. The complainant disputes DBT's reliance on section 12(2) FOIA. He argued:

"I challenge the accuracy of DBT claims that there are 1000 goods lines within licence applications made since 2014 within scope of this request and each line would require five minutes to review for the engines model numbers. The published official statistics since 2014 show there have been 30 licence¹ applications made within scope of the military aero engine equipment, components or technology, categories of my specific request since 2014. I do not accept it will take 86 hours to search and

¹ https://caat.org.uk/data/exports-uk/licence-list?region=Israel&item=components+for+military+aero-engines,military+aero-engines,technology+for+military+aero-engines&date_from=2014-01-01

review the records of these 30 licences or a possible handful of others that may exist that were stopped before a decision was made. To identify these model numbers even if they were held on more than one database is a simple matter. These are electronic records that can be searched quickly. A free AI chatbot with a simple search prompt listing the engine models could probably locate the information in milliseconds.”

The public authority’s position

20. As is the Commissioner’s practice, during the course of his investigation, he asked the DBT to provide a more detailed explanation of its position and to provide more detailed information about its estimate that the cost of compliance would exceed the appropriate limit.
21. As previously stated, the Commissioner needs only to consider whether any estimate is “sensible, realistic and supported by cogent evidence”. The task for the Commissioner in a section 12 matter therefore is to determine whether the public authority made a reasonable estimate of the cost of complying with the request.
22. DBT began by explaining to the Commissioner that it would need to search its two licensing databases to determine the number of licences that they would be required to check. As set out in its internal review, DBT explained that “Licence applications would have to be manually retrieved from SPIRE and LITE, the Export Control Joint Unit’s (ECJU) web-based processing systems.”
23. To gather this information, in submissions to the Commissioner DBT explained that, a member of DBT’s data team used the two databases to conduct a search under Military List Ratings for licences to Israel since 2014. They further explained that Military List Ratings² are used to classify goods that are specially designed or modified for military use – if a good receives a Military List Rating, it requires an export licence.
24. As a result, DBT said that a total of 226 licences were identified as potentially in scope based on the date range of the request and three relevant Military List Ratings - ML10d, ML10c, and ML22a. DBT advised that ML10c refers to unmanned aircraft and related equipment and specially designed components, ML10d refers to propulsion aero-engines and specially designed components, and ML22a includes technology for military engines. The Commissioner notes that the 226 licences

²https://assets.publishing.service.gov.uk/media/682b501f256994af4172ac03/uk_export_control_list_2025.pdf

identified by DBT as potentially falling in scope is vastly more than the 30 licences identified by the complainant.

25. DBT further explained that when the licence data was gathered by its data team they were also able to identify the number of relevant 'goods lines' in each licence application that may contain items potentially falling in scope of the request. Each goods line would have to be reviewed to determine whether these items related to one of the seven model numbers specified in the request. DBT explained that 'goods lines' refers to the line number assigned to the goods themselves in the licence application. This is because licence applications often involve multiple items for shipment, and each good receives a line number in the application (the 'goods line').
26. As regards the number of goods lines in each of the 226 licence applications that may be potentially in scope of the request, DBT explained that in its initial response it told the complainant that DBT would have to review around 1036 goods lines. However, DBT said that during the course of this investigation the number had now increased to 1200 goods lines, as subsequent searches had flagged further potential licences in scope.
27. DBT explained to the Commissioner that after the licence and goods line data was gathered by the data team, the next step was that a member of DBT's Technical Assessment Unit (TAU) would then have to determine whether the item in the goods line(s) in a particular licence is actually in scope of the request.
28. DBT explained that this would require the TAU to manually review the (1200) goods lines in the (226) licences line by line to determine whether or not the goods in each goods line were in scope of the request. DBT explained that this would necessitate the TAU looking at each individual goods line in the 226 licence applications one by one in order to see if they list a model number and, if they do, they would check to understand the type of goods being exported and whether they were one of the seven model numbers requested by the complainant. DBT explained that they would also check this against any provided technical specification documents attached to the licences (which DBT advised can be very lengthy documents involving highly technical descriptions of the goods and their use). Further, DBT explained that on each licence application there are several fields that the model numbers of the goods could be recorded in, which would need to be checked line-by-line for any information related to the model numbers in scope.
29. However, DBT explained that its review of the goods lines in the licences was complicated by the fact that not all licence applications include the model number of the goods. This is because UK export controls are applied by design intent (i.e. are the goods modified or intended for

military use) rather than by specific model number. As such, the model number of the goods are often not provided in the licence applications, just a name such as Hermes 450³. DBT therefore explained that this makes it harder for the TAU to determine whether or not the goods line in the licence related to any of the seven model numbers in scope of the request. In addition, DBT explained that some licences do not contain technical specification documents that could be checked for a model number, although DBT explained that this would not be apparent without a manual search first. Further, DBT explained that where engine model numbers or technical specifications are not provided in the licence, then DBT is reliant on the TAU having knowledge of different drones and the engines and the corresponding engine model numbers to identify whether the licence is in scope of the request.

30. DBT explained in its submissions to the Commissioner that a timed sampling exercise was undertaken. DBT selected 17 licences at random from the 226 licences across a range of dates throughout the period covered by the request and timed themselves manually examining each licence to see how long it would take them to ascertain whether the items in the goods lines of the licence related to the seven model numbers for military aero engines, or related components or technology, falling in scope of the request.
31. DBT also provided the Commissioner with samples of several licence applications in order for the Commissioner to contextualise DBT's arguments. DBT also provided an explanation about how the TAU reviewed each licence application to ascertain whether the licence contained the engine model numbers specified in the request. The Commissioner notes that several of the sample licences provided did not contain the model numbers listed by the complainant in the request as the exporter had not specified a model number for this export licence application, with nothing provided in the 'Export Goods List' page or the 'Nature of Goods' page. In addition, it was noted that the exporter also had not provided technical documentation which would specify the model number. Therefore the Commissioner accepts as reasonable that whether these licences fell in scope of the request would be reliant on the knowledge of the TAU of the item described in each goods line of the licence application and their ability to connect it with the identity of the engine and its model number.
32. As a result of its sampling exercise, DBT estimated that it would take five minutes to search each of the 1200 goods lines in the 226 licences

³ <https://www.elbitsystems.com/autonomous/aerial/tactical-uas/hermes-450>

line-by-line, searching for a total time of 100 hours. (1200 x 5 mins = 100 hours).

33. The Department clarified in response to a question from the Commissioner that its systems do not allow keyword searches for specific model numbers. DBT said that this is because the search is done on the basis of application type and the relevant Military List Ratings. DBT provided the Commissioner with a sample of the search undertaken by the data team which confirms this.
34. Further, the Department clarified in response to a question from the complainant about whether an "AI chatbot with a simple search prompt listing the engine models could locate the information" that:

"We would also not be able to use a chatbot to ascertain the model numbers, as it would face the same limitations that our database search would. The information would have to be manually sourced from the 226 licences we have determined may be in scope and, in cases where model numbers have not been provided, would also not be able to determine whether the licence was in scope."
35. DBT therefore confirmed that the quickest possible method of searching was used, with an examination of its two databases conducted to find the licensing information potentially falling in scope of the request, followed by a manual search of each licence.
36. DBT concluded by saying that it would be "extremely difficult – if not impossible in some cases – for us to determine the model numbers of any in scope licences due to it not being necessary to provide this information in export licence applications. As such, even determining what material is in scope may exceed the cost limit".
37. Overall, DBT's view is that to search for the information falling within the scope of the request would exceed the threshold of 24 hours.

The Commissioner's view

38. The Commissioner has carefully reviewed the evidence available to him in this case including both the arguments of the complainant and those of DBT. The Commissioner is satisfied that determining whether the information is held would exceed the appropriate limit.
39. The Commissioner has given careful consideration to the explanation for the estimation of costs given by DBT as the basis for refusal of the request. The estimate of 100 hours was based on manually searching 1200 goods lines across 226 licences.
40. He is somewhat sceptical from the explanation provided by DBT if it would take 5 minutes to review every goods line – as the Commissioner

imagines that due to the knowledge of the TAU some goods lines could be reviewed faster than others as sometimes it would be immediately apparent to the TAU that certain items related to certain engine model numbers and therefore that the licence was in scope. Also DBT have said that supporting technical specification documents attached to licences were lengthy and so take time to read but, on the other hand, DBT have said that sometimes supporting technical specification documents are not provided with the licence application. So it follows that a review of that licence would take less time, especially if the TAU could already identify the item's model number because of their own technical knowledge.

41. However, the Commissioner accepts that, when considering the large number of licences and goods lines potentially in scope, the specific nature of the request for seven specific engine model numbers, the request's long timeframe of over ten years, and the fact that exporters are not required to include model numbers in licence applications, the situation is more complex, and the work required by the DBT more involved, than was initially apparent. The Commissioner is content that DBT's search strategy was proportionate in the specific circumstances of this case. He is persuaded that there is no means of determining whether the 1200 goods lines in the 226 licences relate to the specific engine model numbers listed by the complainant without a detailed and lengthy manual search being undertaken by DBT.
42. The Commissioner accepts that DBT would be required to undertake a large amount of work just to establish whether the requested information is held. On the basis of the above, the 100 hour estimate is not unreasonable. The Commissioner also notes in light of his comments at para 40 above that, even if DBT's estimate was halved to 2.5 minutes per goods line review, this would still equate to 50 hours work which also far exceeds the cost limit of 24 hours.
43. Determining whether any of the requested information was held would therefore exceed the cost limit and so DBT was entitled to rely on section 12(2) of FOIA to refuse the request.

Procedural matters Section 16 – advice and assistance

44. Section 16 of FOIA requires public authorities to provide reasonable advice and assistance to those making, or wishing to make, information requests.
45. 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.

46. In this case DBT, in its initial response and internal review, advised the requester to narrow the timeframe of the request to reduce the number of licences. Additional guidance was also provided by DBT suggesting that the complainant focus his request on information that DBT already categorises as part of export licence applications such as a specific control list entry from the UK Strategic Export Control List ie using specific Military List Ratings rather than model numbers, which would negate the need to manually search for model numbers. DBT provided the complainant with a link to the list of military items that require export authorisation.
47. The Commissioner considers that, on the face of it, both refinements appear to be appropriate responses in the circumstances given the way the records are held, the broad nature and lengthy timeframe of the original request.
48. The Commissioner is therefore satisfied that the public authority did comply with section 16 of FOIA when dealing with this request.
49. The Commissioner notes that the complainant chose not to make a refined request. Should the complainant now wish to make a new request, the Commissioner suggests that the complainant think carefully about how to refine their request to be as focused as possible, given what they now know about the way DBT holds this information.
50. The Commissioner would suggest that the complainant take into account the recommendations for narrowing the request further by specifying a shorter time frame. They may also wish to limit the request to focus on specific Military List ratings, rather than model numbers in order to increase the likelihood that their request can be dealt with within the appropriate limit.

Right of appeal

51. 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

52. 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.
53. 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 by

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