

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 April 2025

Public Authority: London Borough of Islington
Address: Islington Town Hall
Upper Street
London
N1 2UD

Decision

1. The complainant has requested information held regarding disputes relating to road signage. The London Borough of Islington (the Council) advised that it had not located any information within scope of the request and that to locate any potentially relevant information would exceed the cost limit.
2. The Commissioner's decision is that the Council was entitled to apply section 12(1) of FOIA as a basis to refuse the request.

Request and response

3. On 15 February 2024, the complainant wrote to the Council and requested information in the following terms:

"To whom it may concern, under the freedom of information request I would like know how many complaints you have gotten including via dispute of a fine about the following sign which is situated by the corner of (street name redacted) (the sign is a few meters into (street name redacted)). The sign reads as follows: 'No through route to (street name redacted).' How many complaints have you gotten that this sign is misleading?"
4. The Council responded on 19 February 2024. It stated that the road sign referred to in the request is located in Hackney therefore, it did not hold any information within the scope of the request and, any questions

relating to the road sign, should be posed to the London Borough of Hackney.

5. Following an internal review the Council wrote to the complainant on 20 April 2024. It stated that it maintained its original position.

Scope of the case

6. The complainant initially contacted the Commissioner on 17 July 2024. The Commissioner asked the complainant to provide:
 - Initial request for information
 - The public authority's initial response
 - The request for an internal review
 - The internal review outcome
7. The complainant contacted the Commissioner on 13 August 2024 but did not provide the information requested as above. The Commissioner responded on 28 August 2024 and requested the complainant provide the information in order to progress their complaint.
8. On 1 September 2024 the complainant provided the information required and the Commissioner accepted the complaint for investigation.
9. The complainant disputed that the Council did not hold any information. Specifically, the complainant disagreed with the Council's response that no information was held for the reason that the complainant has written to the Council regarding this particular sign.
10. During the course of the investigation the Commissioner wrote to the Council and asked that it provide further information. Specifically the Commissioner asked the Council to provide detailed explanations about the searches it carried out to determine whether or not it held information within scope of the request.
11. Having reviewed the Council's response the Commissioner wrote to the Council a second time and asked it to provide further clarification as to whether or not it held correspondence within the scope of the request.
12. In its response the Council adjusted its position in relation to the part of the request that asked for information relating to "the dispute of a fine". It said in order to establish if it held information within scope it would be

required to search over 200,000 records. The Council explained that this figure is drawn from the 'London Borough of Islington Parking Annual Report 2023-24'. The report contains a 'notes section' which is not a searchable field therefore, in order to identify information held, the Council would require specific information such as a PCN reference number.

13. Given the number of records the Council consider section 12 - cost of compliance would be invoked.
14. The Commissioner considers that the scope of his investigation is to determine, whether the Council was entitled to apply section 12(1) of FOIA to refuse to comply with the request.

Reasons for decision

Section 12 - cost of compliance

15. 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').
16. The appropriate limit is set in the Fees Regulations at £600 for central government, legislative bodies and the armed forces and at £450 for all other public authorities. The appropriate limit for the Council is £450 which is based on one officer's time of 18 hours at a cost of £25 per hour.
17. 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.

18. 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. In accordance with the First-Tier Tribunal in the case of *Randall v Information Commissioner & Medicines and Healthcare Products Regulatory Agency* EA/2007/0004, 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.
19. 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.
20. 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 complainant's position

21. The complainant argues that the Council holds further information falling within the scope of their request. Specifically correspondence between them and the Council.

The Council's position

22. The Council has explained to the Commissioner that if held, records of this nature are held electronically. It went on to say that it has carried out searches of its electronic records which included contacting the relevant departments who may have records of complaints of this nature which returned no records.
23. It further explained that the searches it carried out used several search terms. The searches returned no results which confirmed the Council's position that the road sign concerned is not one that is owned or maintained by the London Borough of Islington Council therefore, it does not hold information relating to the signage.
24. The Council explained that its complaints records are retained for a period of three years, records originating from Contact Islington (the team that handle telephone and email general queries) are retained for between three and six years and, parking records are retained for six years.

25. Furthermore, in addition to carrying out these searches, the Council also explained to the Commissioner that it considered that section 12(1) of FOIA would apply to the request for the reasons set out above at paragraph 12.

The Commissioner's conclusion

26. The Commissioner, in reaching his decision in this case, has taken account of the views put forward by the complainant. He has also considered the Council's response to the Commissioner's enquiries and actions taken by the Council to check whether it holds the requested information.
27. Based on the information available the Commissioner is satisfied that the information relevant to the request could be held in two locations, the Council's general complaint database and, the notes field of its PCN database.
28. This is because it is logical to think the first database would hold information about complaints about signage given its purpose is to record general complaints received by the Council. Furthermore, based on the evidence provided by the complainant, it's clear that in a challenge to a PCN the PCN database 'notes field', could contain recorded information which falls within the scope of this FOI request. This is on the basis that the notes field in relation to the complainant's challenge to his own PCN contained such information.
29. The Commissioner is of the opinion that such searches are sufficiently focused to ensure that if any information was held on the Council's complaint system about this signage, then this would have been located via these searches. This further supports the outcome that no information is held on this system.
30. In its submissions to the Commissioner the Council has raised the possibility that its PCN database may contain information regarding complaints about the signage in the notes field. However, the Council explained that this field is not searchable. Therefore in order to locate any appeals which contained information in the notes field relevant to this request would require it to manually search records of all moving traffic violations.
31. It is reasonable to say that the Council would not know the names of any other individuals who may have referred to these signs in PCN appeals, or their PCN reference numbers, in the same way as the complainant did. Therefore, the Commissioner accepts that to respond

to the request for information and locate any further correspondence about these particular signs, beyond the complainant's, this would require a search of the records of the PCN database as indicated by the Council.

32. The Commissioner considers that the Council's submissions in support of its application of section 12 are limited. However, given the volume of PCNs issued each year (and, the fact the request is not time limited), the Commissioner accepts that searching the Council's PCN database to locate all relevant information – beyond the complainant's correspondence - would exceed the cost limit.
33. According to the section 45 code¹, if one part of the request exceeds the cost limit the public authority can rely on section 12 to refuse all parts of the request.
34. The Commissioner is therefore satisfied that the Council was entitled to rely on section 12(1) of FOIA to refuse the complainant's request.

Section 16(1) - advice and assistance

35. Section 16(1) of FOIA provides that a public authority is required to provide advice and assistance to any individual making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section, it will be taken to have complied with its obligations.
36. The Commissioner accepts that, in view of the limitations of the PCN database he does not see a way for the Council to reasonably offer useful advice and assistance in this case. One possible way it may have done so would have been to offer to restrict searches to its complaint database but it has, in processing the request, already carried out searches of that location and not found any info.

¹ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-45-code-of-practice-request-handling/>

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.

Stacey Edwards
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