

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 25 March 2013

**Public Authority:** London Borough of Hackney  
**Address:** Town Hall  
Mare Street  
London  
E8 1EA

#### Decision (including any steps ordered)

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1. The complainant has requested a detailed breakdown of the number of parking permits sold by the London Borough of Hackney ("the Council") during the 2010/2011 period. The Council refused to comply with the request, as it said it would exceed the cost limit under section 12 of the FOIA to do so. The Commissioner's decision is that the Council has correctly applied section 12, but that it did not provide reasonable advice and assistance in accordance with its duty under section 16. He does not require any steps to be taken.

#### Request and response

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2. On 25 June 2012, the complainant wrote to the Council and requested information in the following terms:

*"Can you please provide a detailed breakdown for the number of parking permits sold during the 2010/2011 period.*

*The breakdown must include for each category and each sub-section ie*

*Residents*

*Greenest Vehicles 3 months, 6 months and 12 months,*

*Greener fuels & smaller engines 3 months, 6 months and 12 months*

*Normal Engine size 3 months, 6 months and 12 months*

*Large Engine size 3 months, 6 months and 12 months*

*Very Large Engine Size 3 months, 6 months and 12 months*

*Extremely large 3 months, 6 months and 12 months*

*The same will also apply to Visitor Vouchers, Business Voucher, Business Vouchers, for A & B Zones and all other zones, All zones Permits, Doctor and Health Care Permits."*

3. The Council replied on 23 July 2012. It refused to provide the requested information under the FOIA. It cited section 12 of the FOIA, explaining that to comply with the request would exceed the £450 costs threshold. However, it provided a fees notice under section 13, offering to provide the requested information on payment of the £1,000 it had calculated that compliance would cost.
4. The complainant did not pay the £1000 fee and asked instead for an internal review of the way his request had been handled. Following an internal review the Council wrote to the complainant on 12 September 2012. It upheld its decision that compliance with the request would exceed the appropriate costs limit and provided a brief explanation as to why.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 20 September 2012 to complain about the way his request for information had been handled. He considered it unrealistic to suppose that the Council did not have the information already to hand.
6. The Commissioner has considered whether or not section 12 was correctly applied in this case.

### **Reasons for decision**

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#### **Section 12 – cost of compliance exceeds appropriate limit**

7. Section 12 of the FOIA provides that a public authority is not obliged to comply with a request for information if the cost to it of doing so would exceed the appropriate cost limit.

8. This limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the fees regulations) at £450 for bodies such as the Council. The fees regulations also state that the cost of a request must be calculated at the rate of £25 per hour, meaning that section 12 effectively provides a time limit for fulfilment of a request of 18 hours.
9. Section 12 makes it clear that a public authority does not have to make a precise calculation of the costs of complying with a request. Only an estimate is required.
10. To determine whether the Council applied section 12 of the FOIA correctly the Commissioner has considered the submissions it provided during his investigation.
11. There is no dispute that the Council holds the requested information. It explained that it issues in excess of 20,000 parking permits and 90,000 books of vouchers each year. Most of the information relating to these permits and vouchers is contained in a state-based IT system ("Si-Dem"), which offers a snapshot of the current status of parking permits each time a report is run.
12. However, in a significant number of cases Si-Dem does not accurately or automatically record details of all aspects of the permit (for example, the engine size recorded on Si Dem does not always correspond with the amount paid by a motorist for a permit).
13. The only way to obtain completely accurate permit records, in the level of detail requested by the complainant (specifically, engine size, fuel type and financial data), would be to manually compare the relevant data on Si Dem with that held in two separate IT accounts – the Council's payment system ("Paris") and its financial system ("Cedar").
14. The Council has broken down the pool of permits and vouchers held on Si Dem that fall within the scope of the request, as follows:
  - Residential 19,812
  - Business 1,133
  - Visitor voucher 90,638
  - Companion Badge 1,894
  - Doctors 33
  - All Zone permit 782
  - Health and social care 387
  - Car Club permits 113
15. This amounts to a total of 114,792 records.

16. The Council has estimated that it would take 40 hours to produce the data requested by the complainant. It has broken this down as follows:

- 30 minutes to interrogate Si Dem, to identify the relevant pool of permit and voucher information (the 114,792 records identified above).
- Three hours and 30 minutes to extract the relevant information from Si Dem.
- Four hours to identify potentially inaccurate records, using Microsoft Excel.
- 32 hours to manually cross match, reconcile and cleanse these records against Paris and Cedar (based on an estimate of 5% of 114,792 records requiring manual correction (5,740), and it taking 20 seconds to cross check and correct each record in Excel (1,913 minutes = 32 hours)).

17. The Commissioner is satisfied that the Council's estimate is cogent and reasonably arrived at. At £25 per hour, for 40 hours' work, this would put the cost to the Council of complying with the request at £1,000.

18. The Commissioner is therefore satisfied that it would exceed the £450 cost limit under section 12 FOIA to comply with this request for information.

### **Section 16 – advice and assistance**

19. Section 16(1) imposes an obligation for a public authority to provide advice and assistance to a person making a request, so far as it would be reasonable to do so. Section 16(2) states that a public authority is to be taken to have complied with its section 16 duty in any particular case if it has conformed with the provisions in the section 45 Code of Practice in relation to the provision of advice and assistance in that case.

20. Whenever the cost limit has been applied correctly, the Information Commissioner must consider whether it would be possible for a public authority to provide advice and assistance to enable the complainant to obtain information without attracting the costs limit in accordance with paragraph 14 of the Code.

21. In this case, the Information Commissioner notes that the Council did not explain to the complainant how he might refine his request in order for it to be dealt with within the appropriate limit; furthermore, it did not provide any sort of breakdown of costs which might assist him in formulating an alternative request. The Commissioner considers that it would be unreasonable to expect the complainant to deduce how best to refine his request without information about how the Council's various IT systems interrelate and operate.
22. As the Council's responses to the complainant did not offer any suggestions for refinement or provide an adequate breakdown of costs, the Information Commissioner finds that it breached section 16 of the FOIA. However, as there is now sufficient information within the content of this decision notice he does not require the Council to take any steps. If the complainant wishes to submit a refined request to the public authority it is open to him to do so.

## Right of appeal

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23. 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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

24. 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.
25. 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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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**SK9 5AF**