

## Freedom of Information Act 2000

### Decision notice

**Date:** 14 March 2013

**Public Authority:** Chief Constable of Wiltshire Police  
**Address:** London Road  
Devizes  
Wiltshire  
SN10 2DN

#### Decision (including any steps ordered)

---

1. The complainant has requested information about revenue Wiltshire Police has received from private sources. The Commissioner's decision is that the request can be refused on the grounds that complying with it would exceed the appropriate cost limit. No further action is required.

#### Request and response

---

2. On 11 March 2012, the complainant wrote to Wiltshire Police and requested information in the following terms:

*"Under the Freedom of Information Act, for the years 2006 to 2011 would you please fully disclose:*

*(a) How much revenue has been received by the police force for services rendered by way of private investigations, bailiff/eviction type services, or by any other method of paid services, work performed, or contractual agreements made to business, private individuals, or organisations of any kind?*

*(b) Please outline the type of work or service rendered, in each case and disclose the revenue received for each type of service.*

*(c) How much revenue has been generated by the force for endorsements of any kind?*

*(d) Please indicate the types of products/services that the force*

*endorsed for remuneration/financial benefit/fee and the revenue received.*

*(e) Please indicate total revenues from all sources, and break them down into categories.*

*(f) How many manpower hours per year, in total, have been devoted to privately paid services/contractual work?"*

3. Wiltshire Police responded on 4 April 2012. It refused to comply with the request as it would exceed the appropriate cost limit (section 12 of the Freedom of Information Act).
4. Following an internal review Wiltshire Police wrote to the complainant on 10 September 2012. It stated that the original decision was upheld, except for the response to item (a), which it stated was exempt as the information is accessible to the applicant by other means (section 21 of the Act). To demonstrate the exemption applied Wiltshire Police provided a link to its annual statement of accounts.

### **Scope of the case**

---

5. The complainant contacted the Commissioner on 20 July 2012 to complain about the way his request for information had been handled.
6. Having considered the outcome of the internal review, the Commissioner considers the scope of the request to be whether information for item (a) is exempt under section 21 of the Act and whether the request can be refused for exceeding the appropriate cost limit.

### **Reasons for decision**

---

#### **Section 21**

7. Section 21 of the Act states that:

*"(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information."*

8. The Commissioner considers that the deciding factor for whether this exemption applies is usually determined by whether the information is "reasonably" accessible to the requester.
9. In its internal review Wiltshire Police stated that section 21 applied to item (a) as the information was already disclosed online<sup>1</sup>. At the time of drafting this decision the link is currently inactive and the information is not easily locatable on Wiltshire Police's website. As such, the Commissioner is unable to verify whether the information that was provided is relevant to the complainant's request.
10. No evidence has been provided to show that the information was reasonably accessible at the time of the request. Therefore the Commissioner cannot reliably say that the exemption was correctly applied. Instead, he has gone on to consider item (a) as part of the original refusal under section 12.

## **Section 12**

11. Section 12 of the Act states that:

*"(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit...*

*(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority –*

*(a) by one person*

*the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them."*

12. Wiltshire Police confirmed in its refusal notice of 4 April 2012 that all six items were being aggregated for the same refusal notice. This is permitted under the section 12(4) of the Act and regulation 5(2) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Regulations"), providing that the requests

---

<sup>1</sup> [http://www.wiltshire-pa.gov.uk/index.php/freedom-of-information/cat\\_view/35-publications/44-statement-of-accounts](http://www.wiltshire-pa.gov.uk/index.php/freedom-of-information/cat_view/35-publications/44-statement-of-accounts)

relate "to any extent" to the same or similar information. In effect, this means that if the combined cost of complying with all six items exceeds the appropriate cost limit then all can be refused. It also means that if the cost of complying with one item exceeds the appropriate cost limit then all six can be refused. The Commissioner considers that the requests are for similar information and so can be aggregated.

13. The Regulations sets the appropriate limit at £450 for the public authority in question. Under the Regulations this equates to 18 hours work (or £25 per hour). In estimating the cost of complying with a request a public authority can consider the time taken in:
  - (a) determining whether it holds the information,
  - (b) locating the information, or a document which may contain the information,
  - (c) retrieving the information, or a document which may contain the information, and
  - (d) extracting the information from a document containing it.

### **Estimate for compliance with request**

14. In its submissions to the Commissioner, Wiltshire Police provided information about the methods it would have to use to obtain the relevant financial information for items (b) – (f) of the request. In these submissions, Wiltshire Police stated that income received for provided services is either held as invoiced or non-invoiced work. Invoiced services are listed on an electronic ledger, however the ledger does not display the services that are being charged for. To identify the service the invoice would need to be located in Wiltshire Police's electronic records and analysed by a member of staff to check if it is relevant to the request. Wiltshire Police stated that this activity would take approximately five minutes for each relevant invoice. Where the invoice was not stored electronically this process would take 30 minutes as the manual record of the invoice would need to be located and read through to check if it is relevant.
15. Wiltshire Police explained that in the financial year of 2011/12 there were 1007 invoices raised for services. Applying its estimate for the time taken to determine, locate, retrieve and extract the requested information gave a minimum estimate of nearly 84 hours work, and a maximum estimate of 503 hours.
16. Wiltshire Police also provided the number of invoiced receipts for the financial years of 2010/11 (771) and 2009/10 (627). It stated that it took a finance clerk "some 2 – 3 hours" to locate this information, as

"some of the budget offices have either merged or closed, which means that a number of different systems had to be accessed".

17. The Commissioner's view is that the estimate of five minutes per invoice is likely to be excessive given the amount of work required in locating the information and the detail sought. The description of the work involved – identifying a relevant invoice on a register and then retrieving and extracting the information from the electronic records – is a fairly straightforward task and one that likely could be done quicker than has been suggested. He also considers it pertinent that Wiltshire Police has only raised the possibility of an invoice not being held electronically and has given no indication to the likelihood of this event occurring.
18. However, the Commissioner is conscious that the appropriate cost limit is 18 hours, which equates to 1080 minutes. Given that there were 1007 invoices raised in 2011/12 alone, and given that the complainant's request asks for detail that would go beyond a simple compilation of basic figures, the Commissioner considers it unlikely that there are systems in place that would allow Wiltshire Police to obtain all the requested information within the appropriate cost limit.
19. The Commissioner's decision is that Wiltshire Police was entitled to refuse items (b) – (f) of the request under section 12 of the Act. As these items of the request can be refused under section 12, item (a) can also be refused under section 12 of the Act following the explanation given concerning aggregation of requests. Therefore, the Commissioner considers that it is not crucial whether item (a) was exempt under section 21 of the Act as it can be refused under section 12.

## **Other matters**

---

### **Section 16 considerations**

20. Under section 16 of the Act all public authorities are obliged to provide advice and assistance to requesters. In practice, for section 12 of the Act the Commissioner considers that this means applying the advice given in paragraph 14 of the section 45 Code of Practice. This states that where a public authority is not obliged to comply with a request because it would exceed the appropriate limit to do so, then it:

*"...should consider providing an indication of what, if any, information could be provided within the cost ceiling. The authority should also consider advising the applicant that by reforming or re-focussing their request, information may be able to be supplied for a lower, or no, fee."*

21. In its response to the Commissioner, Wiltshire Police stated that it considered providing a link to its annual statement of accounts as well as a statement for the total monies received in respect of invoiced receipts from the financial years 2009/10 – 2011/12. It considered that this met its obligations to provide advice and assistance.
22. However, whilst the Commissioner considers that this information would be of interest to the complainant, the Commissioner's view is that more advice could have been provided to assist the complainant. The request has a scope of five years, which could easily be limited to reduce the amount of work involved – although the Commissioner acknowledges that given the number of invoices per year this might not bring the requests within the appropriate limit. However, the request is comprised of 6 items, which could also be limited. It is also possible that a combination of limiting both the number of items and the timescale in the request might have made it possible for a response to be produced within the appropriate limit. Whilst the Commissioner appreciates that it took Wiltshire Police a significant amount of time to obtain as much information as it did, it is helpful if it can provide suggestions for straightforward ways in which the scope of the request could be reduced so that the complainant can obtain some relevant information.
23. Nevertheless the Commissioner wishes to make it clear that he does not consider that section 16 has been breached as Wiltshire Police has made several attempts to try and provide assistance. Instead, the Commissioner's observations here are intended to provide guidance on possible measures to take when handling future requests.

### **Internal review**

24. The complainant requested an internal review on 6 April 2012 but did not receive a response until 10 September 2012. This response also came after prompting from the Commissioner. Whilst it is not contained within the terms of the Act, the carrying out of internal reviews is guided by the section 45 Code of Practice. At paragraph 42 it states that "target times" for responding should be "reasonable", although no definitive figure is given. The Environmental Information Regulations 2004 state that the time limit for a review is 40 working days, and the Commissioner considers that this is a useful guide for a "reasonable" time limit for requests made under the Act.
25. The Commissioner wishes to make clear that a delay in providing an internal review is not a breach of the Act. He also notes that Wiltshire Police apologised to the complainant for the delay in its letter of 23 November 2012. However, in future he would prefer if Wiltshire Police's target times were closer to the recommended figure of 40 working days or fewer.

## Right of appeal

---

26. 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)

27. 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.
28. 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 .....**

**Alexander Ganotis**  
**Group Manager – Complaints Resolution**  
**Information Commissioner’s Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**