

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 25 January 2023

**Public Authority:** Crown Prosecution Service  
**Address:** 102 Petty France  
London  
SW1H 9EA

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Crown Prosecution Service. The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority complied with its obligations under section 16 of FOIA to offer advice and assistance.
2. The Commissioner does not require the public authority to take any steps.

#### **Request and response**

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3. On 30 July 2022, the complainant made the following request for information to the public authority:  

"Under the Freedom of Information Act can the CCRC please confirm if it holds a copy of the full transcript of the 1998 trial of [redacted] and [redacted] at the Central Criminal Court for the murders of [redacted]."
4. The public authority confirmed that it held some information within scope of the request but refused to provide the requested information citing section 12 (cost limit) of FOIA as its basis for doing so.

## Reasons for decision

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### Section 12 – cost of compliance

5. This reasoning covers whether the public authority is correct to apply section 12(1) (cost limit) of FOIA to the request.<sup>1</sup> The appropriate limit<sup>2</sup> for the public authority in this case is £600.
6. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004<sup>3</sup>, 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 this public authority.
7. The public authority considers that the cost of complying with this request would exceed the appropriate limit under FOIA. It has explained to the complainant that in order to determine whether a full transcript of the 1998 trial was held, it would need to “review a significant amount of material from this case, which is contained in 125 boxes” and that this “would exceed the appropriate limit if it would require more than 24 hours of work to determine whether we hold the information”.
8. In its internal review decision, the public authority advised the complainant that:

“In order to determine that section 12(1) applied, one CPS staff member spent one working day searching through the files for this case. During this period, the CPS staff member was able to search 23 boxes. It was therefore determined that conducting a search of all 125 boxes would exceed the cost limit.

I would also like to clarify that while the CPS staff member identified that the 23 boxes contained some copies of trial transcripts, we could not confirm that these were a full transcript of the trial and we are therefore unable to answer your question without searching the remaining file boxes.”

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/12>

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2004/3244/regulation/4/made>

<sup>3</sup> <https://www.legislation.gov.uk/uksi/2004/3244/regulation/4/made>

9. The Commissioner is satisfied that the public authority's arguments above are justified because it explained that lengthy manual searches would be needed to determine whether a full transcript of the trial was held. This is often the case for historic documentation.
10. The Commissioner considers that the public authority estimated reasonably that it would take more than the 24 hours / £600 limit to respond to the request.
11. The Commissioner's decision is that the public authority was correct to apply section 12(1) of FOIA to the request.

**Section 16(1) – The duty to provide advice and assistance**

12. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice<sup>4</sup> in providing advice and assistance, it will have complied with section 16(1).
13. The Commissioner notes that, in its initial response, the public authority suggested that the complainant may wish to request a full copy of the court transcript from Her Majesty's Courts and Tribunals Service and provided the complainant with relevant contact details.
14. The Commissioner is therefore satisfied that the public authority met its obligations under section 16 of FOIA.

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<sup>4</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

## Right of appeal

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15. 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: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**