

4th March 2010

Royal Mail Group

Mr Adrian Rutherford

request-25293-9c1f85b3@whatdotheyknow.com

request-25294-ab1aa237@whatdotheyknow.com

Freedom of Information Unit
2nd Floor
Royal Mail Sheffield
Pond Street
Sheffield
S98 6HR

foi@royalmail.com
www.royalmail.com

Dear Mr Rutherford

**Requests under Freedom of Information Act 2000 –
(1) Disciplinary action against Royal Mail staff in Northern Ireland; and
(2) Thefts by Royal Mail staff**

Request for Internal Reviews

I am writing in response to your email dated 4th February 2010 in which you requested an internal review of the Royal Mail decision to withhold information in relation to your above requests. The internal review panel has now assessed your request and I am writing to advise you of its decision.

In order to explain the panel's decision, it is necessary to recap on the four requests you made on 4th January 2010.

The four requests were as follows:

First request:

"Please provide details of all disciplinary action taken against Royal Mail employees in Northern Ireland in each of the last three years (2007-2009). For each incident, please provide 1. the date 2. the town/city/location where the employee was based 3. the employee's position (i.e. manager, postman etc) 4. details of the offence/misconduct 5. what punishment/action was taken 6. where an employee was suspended, detail for how long, and how much was he/she paid while on suspension."

Cont...

Second request:

"Please provide details of all thefts by Royal Mail employees in Northern Ireland in each of the last three years. Please provide the date, location of the theft, details of the incident/what was taken (especially if mail was stolen), whether these items were recovered, and what punishment or disciplinary action followed."

Third request:

"Please provide details where mail was delivered to the wrong address in Northern Ireland. State how many times this occurred in each of the last three years, including a breakdown with the date, details of the intended location and the location where the mail was mistakenly sent to, and what (if any) disciplinary action was taken. Please also detail what, if any, compensation was paid for each incident."

Fourth request:

"Please provide details where items were lost in the post in Northern Ireland. State how many times this occurred in each of the last three years, including a breakdown with the date, details of what went missing, whether it was subsequently found and sent on to the affected customer, and what (if any) disciplinary action was taken. Please also detail what, if any, compensation was paid for each incident."

Royal Mail refused disclosure of information in relation to your third and fourth requests on the basis that for each request the identification, retrieval, extraction and collation of the relevant information would exceed the statutory limit on costs in section 12 of the Freedom of Information Act (the FOIA). The statutory limit for Royal Mail is £450, which equates to 18 hours of staff time (this is because staff time must be costed at £25 per hour regardless of grade).

Section 12 and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 made under it state that where an applicant submits more than one request for information to the same public body in the space of 60 working days and those requests relate to any extent to the same or similar information, the public body may aggregate the cost of complying with the requests in total when considering whether the cost limit is exceeded. This means that if someone makes multiple requests within a short space of time and those requests are in any way similar to each another, when calculating the cost of compliance Royal Mail can look at the cost of complying with all the requests together, rather than one at a time.

The internal review panel considered that your four requests shared strong similarities in that (i) they all relate to Northern Ireland (ii) they all ask questions about disciplinary action

Cont...

against Royal Mail members of staff and (iii) they all ask questions relating to the quality of service by Royal Mail. They can therefore be taken together when considering the costs limit for compliance.

Given that your third and fourth requests alone exceeded the costs limit, clearly the estimated time for responding to all four requests taken together would also exceed the cost limit for compliance. Therefore the information you requested is exempt from disclosure by Royal Mail under section 12 of the Act.

Under the Act, Royal Mail has a duty to assist you to narrow down your request so that comes below the cost of compliance limit. The Information Commissioner has made clear that it is not for us to try and guess which parts of the information you have requested you would like to prioritise.

I can advise you that if you were to submit a new, stand-alone request for information relating to disciplinary actions, that information could be identified within the cost limit. On top of this, we could also identify the information relating to thefts within the cost of compliance limit. However, you would need to notify us that you are not pursuing your other two requests further before we process the thefts and disciplinary requests.

As you are aware from our initial responses to your requests focussing on thefts and disciplinary action, Royal Mail is of the view that other exemptions apply to the information that you have requested. To be clear, even if your request falls below the cost of compliance exemption, it is possible that other exemptions may apply. Royal Mail would consider such exemptions if/ when you submit a narrower request that falls below the cost of compliance limit. The appeal panel did not consider in detail any exemptions other than section 12.

I hope that this suitably explains our reasons for withholding the information in response to your request. However, in the event that you are not satisfied with this reply (in particular our application of the cost of compliance exemption), you do of course have the right to appeal to the Information Commissioner, the address for whom is:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Cont...

Yours sincerely

Colin Young
Freedom of Information Manager
foi@royalmail.com