

Our Ref: FOI 3769

Date: 15 February 2010

Your Ref: xxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxx.xxx

Dear Nindi Kaar

**Freedom of Information Act 2000 – Request for Information**

I am writing in respect of your recent enquiries for information held by the Authority under the provisions of the Freedom of Information Act 2000 (FOI).

Under FOI the Authority has a right to refuse to an applicant information held if the cost of complying with a request exceeds the 'appropriate limit'. The appropriate limit for local authorities is £450 (18 hours at a rate of £25.00 per hour) as indicated by the Lord Chancellor.

You have asked for information on our Learning Disabilities Commissioning process. I must inform you that the detail of the information is not held in one central point and is on individual files in the Directorate and so additional work is required to locate, obtain and collate the data. This request follows your previous requests as set out below:-

1. 3656 dated 11/12/09;
2. 3758 dated 13/01/10; and
3. 3771 dated 18/01/10

All these requests are seeking information pertaining to the same issue.

Under the Data Protection and Freedom of Information (Appropriate Limits And Fees) Regulations 2004 ("the Fees Regulations"), Birmingham City Council is entitled to count the time taken in responding to related requests made within the preceding three months when determining whether the 18 hours has been used up.

Further information on this is available from the information Commissioner's website at the following link.

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/detailed\\_specialist\\_guides/awareness\\_guidance\\_22\\_vexatious\\_and\\_repeated\\_requests\\_final.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf)

The previous requests (3656 and 3758) took a combined total of 23 hours to respond to, which is greater than the 18 hours allowed under the Fees Regulations.

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Please reply to:

**Adults and Communities**

Level 5  
Louisa Ryland House  
44 Newhall Street  
Birmingham B3 3PL

Telephone : 0121 303 9462

Facsimile : 0121 303 2769

[www.birmingham.gov.uk/adults](http://www.birmingham.gov.uk/adults)

**Peter Hay**, Strategic Director, Adults and Communities

I would therefore be grateful if you could let me know whether you are prepared to pay for the additional cost of dealing with the requests, at a statutory rate of £25.00 per hour. If you do, I will submit a detailed time and cost estimate for you with an invoice for the work. Upon receipt of the remittance, we will commence work on responding to your request.

Please note that City Council is committed to an open and accountable commissioning process for learning disabilities, so data, documents and information will be posted to our website on a regular basis. The relevant page is: <http://www.birmingham.gov.uk/cs/Satellite?c=Page&childpagename=Adults-and-Communities-General%2FPageLayout&cid=1223092710312&packedargs=website%3D1&page name=BCC%2FCommon%2FWrapper%2FWrapper&rendermode=live>

If you are not satisfied with the decision, you may ask for an internal review. Please contact Birmingham City Council's central FOI Team at this address:

Information Governance Team,  
3<sup>rd</sup> Floor, 1 Lancaster Circus, Birmingham B4 7AB  
Tel: 0121 303 4876 email: xxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx

If, following the outcome of the internal review, you are still not satisfied with the Council's decision you may then apply to the Information Commissioner for an independent review at this address:

The Information Commissioner  
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
Tel: 01625 545700 Web: [www.ico.gov.uk](http://www.ico.gov.uk)

Please note that the Information Commissioner will not normally review a matter until an internal review has been concluded.

I look forward to hearing further from you on this matter.

Yours sincerely

Philip Wilson  
Freedom of Information Officer