

BERR Ref: 01.04.05/4762c

Mr M. Veale

Via e-mail [<mailto:request-7540-a6d33369@whatdotheyknow.com>]

18 February 2009

Dear Mr Veale

Freedom of Information request 09/0182

I refer to your e-mail of 2 February 2009 requesting "*if there have been meetings between Lord Mandelson or other BERR officials to discuss the deployment of Phorm Webwise technology, with any of the following Peers : - Lord Lamont, Lord Moonie, Lord Truscott, Lord Taylor of Blackburn and Lord Snape. If so, what dates were these meetings held, with whom and what was discussed.*"

I am writing to advise you that following a search of our paper and electronic records, no such information is held by this Department with regard to Lord Mandelson and that no records exist that refer to any such meetings or discussions on the deployment of Phorm/Webwise technology with Lord Lamont, Lord Moonie, Lord Truscott, Lord Taylor of Blackburn and Lord Snape. For your information, the search for records was limited from Lord Mandelson's appointment as Secretary of State on 3 October 2008 to the date of your request of 2 February 2009.

With regard to the part of your request that seeks information regarding "other BERR officials", I would be grateful if you could clarify this. As your request stands, to answer your request will necessitate a search by all BERR officials as to whether have met the peers and discussed this subject with them and whether they hold any records of such meetings. As there are currently over 2,000 established officials within BERR, to comply with your request would, as it stands at present, would exceed the cost threshold that the Department is allowed to apply under Section 12 of the Act. It would also be very helpful if you could also indicate a timescale that you would like the search of our records to encompass.

The appropriate exemption, and how the Department applies it, is explained below.

12 Exemption where cost of compliance exceeds appropriate limit

(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.

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(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(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, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

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.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

How BERR applies Section 12


We are permitted to charge for the time taken to locate, sort, redact and edit material in responding to a request, if this would cost more than £600, to be calculated at a rate of £25 per hour. This threshold therefore equates to 24 hours of work on administering the request. We are not permitted to take into account the time taken to consider whether or not information is exempt. (The threshold for those public authorities outside central government e.g. local authorities, the health service, schools and the police) is set at £450). £600 remains the disproportionate cost limit for Parliamentary Questions.

- It is not mandatory to provide information if to do so would cost more than the £600 threshold.
- Therefore if a request will cost more than the £600 threshold to answer, we can, at our discretion: (i) refuse to answer, (ii) answer and charge for replying or (iii) answer without charge.
- The Fol Act permits us to charge the full cost of disbursements including copying or printing and sending out information.

I would be grateful for a prompt reply if at all possible.

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely



Patrick Balchin

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Appeals procedure

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review please contact me.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

