

Our reference: 13506 EIR

27 April 2018

Dear Mr Jefferson,

Thank you for your request of 13 April 2018 in which you asked for the following information:

Please kindly provide us with details of compensation payments for damage caused due to poor condition of roads (potholes, etc) by year from 1990 to 2014 inclusive.

1. Total claims for compensation your council received for year.
2. Total claims your council paid out compensation for year.
3. Highest single amount paid out in compensation for year.
4. Lowest single amount paid out in compensation for year.
5. Average amount paid out in compensation for year.
6. Total compensation paid out for year.

Please find our response below in bold:

It is the Council's view that to comply with your request would absorb enough of its staff's time to engage regulation 12(4)(b) of the Environmental Information Regulations 2004. Regulation 12(4)(b) provides that a public authority is excepted from complying with a request for information if that authority considers that it would place a 'substantial and unreasonable burden on [its] resources'.

It is the Council's estimate that to provide you with the information that you have requested would absorb in excess of 18 hours of staff time. The Council considers that this represents a substantial burden and an unreasonable diversion of its resources from the provision of essential public services. The Council has estimated the time that it would take to deal with your request would involving searching and reviewing 24 years' worth of data, approximately 17,000 claims. To do so would take in excess of 18 hours to review each year's data and provide the requested information to you.

As you can see, to comply with your request would impose a substantial burden on the Council's resources. The Council recognises that resources are not the only factor in deciding whether environmental information should be disclosed and, in reaching its decision, the Council also considered whether disclosure would be in the public interest.

Arguments in favour of disclosure

1. That there is an explicit presumption in favour of disclosure;
2. Disclosure could further the understanding of, and participation in, public debate;
3. Releasing this information may promote transparency and increase public awareness;
4. Disclosure may promote good decision-making in circumstances where decisions affect the environment; and
5. Releasing information of this kind could encourage debate about the state of the environment.

Arguments against disclosure

1. Committing a considerable amount of the Council's resources to answering this request would detract from the services that it provides in other areas;
2. That there is a need to ensure that public funds are applied effectively; and

3. The importance of the matter at hand does not constitute an overriding or exceptional reason for disclosure.

On this occasion, the Council finds that the public interest in refusing your request outweighs the public interest in complying with it.

Advice and Assistance

In accordance with the Council's duty to now advise and assist you, might I suggest that you consider amending your request to narrow its scope.

For instance, you may like to define a specific timeframe which officers could limit their searches to; I anticipate that the Council could provide the information to you within the *appropriate limit* if you were to limit your request to 01 January 2010 to 31 December 2014.

Internal review

If you are dissatisfied with the service or response to your request you can ask for an internal review as follows:

- Contact the Complaints & Freedom of Information team in Law & Governance:
foi@oxfordshire.gov.uk
- Use the online complaints form on our website: www.oxfordshire.gov.uk/complaints
- Write to the Complaints & Freedom of Information team at the FREEPOST address:

Corporate Complaints Team
Oxfordshire County Council
FREEPOST (RTLL-ECKS-GLUA)
Oxford OX1 1YA

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

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

Telephone: 0303 123 1113 Website: <https://ico.org.uk>

Please let me know if you have further enquiries. I would be grateful if you could use the reference number given at the top of this email.

Yours sincerely



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Corporate Services
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