

Mr A M Dransfield  
Whatdotheyknow

2<sup>nd</sup> November 2011

Dear Mr Dransfield

**Freedom of Information Internal Review Reference No: 2011100392**  
**Freedom of Information Reference Nos: 2011070512 & 2011070515**  
**Subject: Copies of HSE Inspection Reports for Devonport Dockyards for the last 5 years & Copies of the latest Risk Assessment for Lightning Protection at Devonport Dockyards**

Thank you for your email dated 29<sup>th</sup> September in which you requested an internal review of the above Freedom of Information (FOI) requests. Your request has been referred to me as I have responsibility for processing internal review requests in accordance with the FOI appeals process. Please accept my apologies for the delayed response.

As part of the review process, I have considered the scope of your original request to establish if answering it would have exceeded the cost limit under Section 12 of the FOI Act.

Section 12(4) of the FOI Act permits a public authority to add together (aggregate), for the purposes of estimating whether the appropriate cost limit would be exceeded, two or more requests for information if they are received from the same person and are for the same or similar information. As both of your requests sought information, relating to Devonport Dockyard HSE considered them sufficiently similar to be aggregated for the purposes of FOI.

Section 12(5) of the FOI Act 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. For HSE, the appropriate limit is £600.00 and represents the time we may spend establishing if we hold the information requested, locating and retrieving that information and where necessary, extracting that information, limited to the rate of £25.00 per hour. Were a request is wide-ranging and likely to be expensive to answer; a public authority has a duty to contact the requester asking them to narrow the scope of their request, to bring it below the appropriate limit.

Your original requests, received on 26<sup>th</sup> July 2011, sought disclosure of (1) HSE reports for the last 5 years from your visits to the Devonport Dockyards and (2) a copy of the latest RISK ASSESSMENT for Lightning protection at Devonport Dockyards.

HSE acknowledged receipt of your request on the 1<sup>st</sup> August advising that answering it would likely exceed the cost limit as the dockyard located at Devonport is split over two sites - Her Majesties Naval Base Devonport, managed by MOD and the Devonport Royal Dockyard, managed by Babcock. MOD and Babcock are not the

only dutyholders based at this location as areas of the Devonport Royal Dockyard are sublet to other dutyholders who fall within scope of your request.

To respond to your request would have required HSE to conduct a search of both electronic and manual records for twelve dutyholder to establish if we held the information requested and thereafter retrieve it. HSE estimated this process would take at least 38 hours\* and cost approximately £950.00 however rather than refuse your request, we asked you to refine it by specifying particular dutyholders. Within your response dated 30<sup>th</sup> August, you declined to do this and HSE should have issued you with a formal refusal letter at this time. Regrettably, this did not happen for which I must apologise.

After careful consideration of all the facts, I have concluded that HSE were correct to ask you to refine your request, as compliance would have exceeded the cost limit of £600.00. I consider answering your request as it stood to have been an inappropriate use of resource and this would not be in the public interest.

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

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545700  
Fax: 01625 524510  
Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)  
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Yours sincerely



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- Inspection Reports for both sites based on 30 minutes per dutyholder per year – 0.50 (30 minutes) x 12 dutyholders x 5 years = 30 hours
- Risk Assessments for both sites based on 40 minutes per dutyholder – 0.67 (40 minutes) x 12 dutyholders = 8 hours