

By Email to;

request-740915-5c9a39b2@whatdotheyknow.com

Our Ref HQ20339

12 May 2021

Dear Mr Clark

Thank for your request for an internal review of our response to your request HQ20339.

I have now completed my review of our failure to respond to your request under the Freedom of Information (Scotland) Act 2002 (FOISA). In your original request, you asked:

Request for Information (RFI)

***RFI 1** Could you please furnish me with the Prison Record of Angus Robertson Sinclair dob 7 July 1945 death March 2019 from January 1979 to March 2019."*

I would like to apologise for the delay in responding to this request. In accordance with section 21(4) of FOISA, I have also reached a decision on your request. We do endeavour to provide information whenever possible. However, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600.

The authority recently provided information to yourself in response to a request for the Prison Record of Angus Robertson Sinclair for the years 1961-1970. To provide this the authority required 2 case workers to conduct searches for historical records spending approximately 1.5 hours each at £15 per hour i.e.

1.5hrs X £15 X 2 = **£45**.

A further 2 members of staff were required to review these files to remove the documents which fell out with scope of the request, taking a further 4 hours each to do so, resulting in a further cost to the authority at;

$$4\text{hrs} \times £15 \times 2 = \textbf{£120}.$$

206 documents were identified within the scope of the request. These required redactions to prevent disclosure of third party personal data, or that no other exemptions should be applied. 188 documents of the 206 required some redaction at an average of 3 minutes each. 618 minutes = 10 hours, therefore;

$$10\text{hrs} \times £15 \times 2 = \textbf{£300}.$$

This resulted in an attributable cost to the authority of **£465**. This new request seeks information for 4 times this time frame, of which you could reasonably attribute 4 times the cost (**£1860**).

Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12. You may, however, wish to consider reducing the scope of your request in order that the costs can be brought below £600. You may wish to view the Scottish Information Commissioners website for advice and guidance [Scottish Information Commissioner \(itspublicknowledge.info\)](http://itspublicknowledge.info).

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. You can contact the Commissioner at:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

E-mail: enquiries@itspublicknowledge.info

Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely

Lyndsey Moug
Corporate Communications Manager
Scottish Prison Service