

Mr A Lanuto

By email to: request-240642-bcec4306@whatdotheyknow.com

Our reference: 2324965

14 January 2015

Dear Mr Lanuto

I write in response to your email, dated 16 December 2014, requesting an internal review of the Council's decision to refuse your request under Section 12 (cost of compliance) of the Freedom of Information Act 200. As you requested, I have made detailed enquiries as to the processes and costs involved in complying with your request.

You requested:

"1) Full disclosure of any and all correspondence, documented in any and all forms, between Veolia and any and all Borough of Brent Council members or officers regarding changes to public realm contracts, with particular, though not limited, reference to green waste collection, exchanged at any time between and including the period of 6 May 2010 to 21 November 2014.

2) Full disclosure of such correspondence on this matter, documented in any and all forms, with special, though not exclusive, reference to correspondence between the Borough of Brent council leader, the Borough of Brent council Executive, and Borough of Brent Environmental Services on the same matter, exchanged at any time between and including the period of 6 May 2010 to 21 November 2014.

3) Full disclosure of any and all correspondence, documented in any and all forms, between the Borough of Brent Finance Director and/or Finance Department to any and all Borough of Brent councillors and/or the Borough of Brent executive with regard to the level of Borough of Brent councillor allowances, exchanged at any time between and including the period of 6 May 2010 to 21 November 2014.

4) Full disclosure of any and all correspondence, documented in any and all forms, between the London Borough of Barnet, Hammersons, their agents, including Jonathan Joseph, and the London Borough of Brent, specifically, though not limited to, the Borough of Brent Director of Regeneration, Andy McDonald, and the relevant Borough of Brent cabinet member for Regeneration, as well as the leader of Brent council, Muhammed Butt, exchanged at any time between and including the period of 1 July 2013 and 21 November 2014."

The Council does not own a compliance or legal hold email archive. The Council only holds annual snapshots of all emails on its servers. To access these backups for the 4 year period requested, the Information Governance team have informed me that they would need to procure specialist software to

even restore them, and new servers to restore the backups to, as the alternative would involve over-writing the Council's current email system. They have estimated that this would take three calendar months and involve the procurement of specialist software and external consultancy for which the Council does not have a budget. This work would be necessary even before searches could be undertaken. Whilst it is not possible to quantify the exact number of staff hours this work would involve, it is reasonable to conclude that it would be well in excess of the 60 that Mr Scott quoted to you in his initial Refusal Notice, and that subsequent analysis of the emails and documents produced by such a search would take even more time.

In order to search the Council's document management systems and network drives for the rest of the requested information (such as scanned paper correspondence), our Information Technology service has informed me that this would involve searching approximately 10.5 Terabytes of data, contained in 278 shared network drives and several thousand further user shares. They have estimated that to search this data would take approximately 6 hours per keyword term used. Assuming (conservatively) a single search term for each of your requests above, this will total 24 hours of staff time, in excess of the 18 hour limit in the Act. In addition, the documents retrieved by this search would then need to be manually read to ensure that they match the descriptions of the documents you are seeking. This is not quantifiable as the number of documents returned by such a search could not be ascertained without performing the search itself (which in itself would breach the limit under the Act). It is reasonable to conclude, however, that this would represent sufficient work to exceed the Section 12 limit on its own.

I therefore agree with the content of Mr Scott's Refusal Notice, except to add that in addition to breaching the Appropriate Limit, much of the information requested (particularly in regards to email communication) is not held in an accessible form. I also find that in informing you of smaller request terms that would not breach the appropriate limit, Mr Scott complied with his duties under Section 16 of FoIA to advise and assist you in making your request. I therefore do not uphold your appeal.

If you dissatisfied with the outcome of the internal review, you have the right to appeal 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; telephone 01625 545 700; website www.informationcommissioner.gov.uk

Yours sincerely



FIONA ALDERMAN
PRINCIPAL LAWYER FOR SOCIAL CARE