

## Freedom of Information Appeal

As you will be aware, from previous correspondence between the Neath Port Talbot County Borough Council ("the Council") and yourself, under the Council's Freedom of Information Appeal process I am designated by the Council to consider any requests for internal reviews of any decisions taken by officers of the Council to refuse to release information which has been requested by members of the public under the Freedom of Information Act 2000.

In light of the above process, I have now had the opportunity to consider your application for an internal review of the decision made by the Council.

The purpose of this note is to inform you of the decision which I have made in respect to your appeal and to indicate to you how I have come to that decision. In doing so I, will throughout this letter, refer to background facts and also include the contents of specific pieces of correspondence passing between yourselves and the Council. This is done for the purpose of providing both reference and context to my comments in this decision. It will also assist any third party public bodies to whom you may wish to disclose this letter when considering my response.

I note that your original request was made to the Council on the 5<sup>th</sup> January 2019, where upon you requested the following:

*"all transactions over £500 from 1st April 2017 to 31st December 2018 (if December 2018 is not available, then, November 2018). Please provide the data in a machine readable format (preferably CSV). As a minimum, please make sure to include the date, value and recipient of each transaction. Please also provide details on the procurement category of each transaction if you have it".*

Late clarification on the 4<sup>th</sup> February 2019, subsequently confirmed you were:

*"specifically looking for payments to suppliers who provide a service in Health and Social Care. This would include all suppliers falling under the following categories :-*

- 1. Payments to suppliers who provide fostering and adoption services to the Council*
- 2. Payments to suppliers who provide care services to the council. This would include suppliers who provide care under each of the categories below*
  - a. Children's Residential/ Nursing Care Providers*
  - b. Adult Residential/ Nursing Care Providers*
  - c. Elderly Residential/ Nursing Care Providers*
  - d. Domiciliary Care Home Providers*
  - e. Supported Living Care Home Providers*
  - f. Care at Home Providers*
  - g. Providers who carry out Homeless Services*
- 3. Payments to suppliers who provide Special Education Services*

*In particular I am looking for itemized transactions for suppliers from 1st April 2017 - 31st December 2018 - preferably in CSV format."*

The Council at the time originally turned down your request on the basis that the time required to locate and retrieve the required information would involve this Authority inspecting each transaction and therefore take way in excess of 18 hours to provide the information requested. This would mean the cost threshold set out in the Freedom of Information and Data Protection [Appropriate Limit & Fees] Regulations 2004 will be exceeded.

Subsequently though following later clarification, information was provided to you on the 25<sup>th</sup> February 2019 for the 2017-2018 Financial Year but subsequent information would not be available until the end of the 2018-2019 Financial Year.

On the 12<sup>th</sup> June 2019, you were then advised that the additional information had only recently become available and we were working on your request however upon further emails chasing a response, you were subsequently advised:

*“our computer system is not set-up to report on the information that you require. It would therefore be necessary to interrogate each individual file held on the paper based filing system, search for the relevant information and then record the details. We estimate that this process will take an average of approximately 2 minutes per record and with over 10,000 records we estimate that the task would exceed 18 hours of one or more officers accumulated time. Accordingly in light of the aforesaid please be advised that we are not prepared to comply with your request on this occasion.”*

On the 17<sup>th</sup> July 2019 upon being dissatisfied with this information you requested an internal review of the Council's decision.

Having considered the above, I would now respond accordingly on these points for your consideration.

#### Request for Information

The Council's computer systems have not changed. The information provided in February 2019 in relation to the period ending March 2018 was generated from the “Spikes Cavell” system which the Council uses to record expenditure of this kind. Although the Council will now hold the records in respect of similar expenditure for the 2018-2019 period, the information in relation to the period ending March 2019 is not yet available from Spikes Cavell. The Council is informed that this information will be with us shortly.

Pending receipt of this information from Spikes Cavell, the only alternative way to provide the same would be a physical search of information held by the Council. It was for this reason and given the Council is unsure when specifically we will be in receipt of this information that a decision was made at the time to turn down your request formally.

Having considered the content of your appeal, I tasked the appropriate officers to undertake a review of the position.

Although the Council keeps accurate financial records, the records held electronically will set out only the basis of amounts paid. In order to determine the

information you requested, the corresponding invoice would have to be retrieved, cross referenced to the file that would be held and a detailed review of the file undertaken to determine the payments made and to what they correlate.

In light of this, the decision to rely on Section 12 of the FOI Act 2000 is upheld here. Under Section 12 of the FOI Act 2000, if the public authority reasonably estimates that the costs of complying with an FOI request would exceed "the appropriate limit" it is entitled to refuse to deal with that specific request. For the sake of completeness I would again add that the "appropriate limit" is defined in Regulation 3 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2014 as being £450 which under those regulations equates to 18 hours or more of officers time taken up in the course of "locating, retrieving and extracting" the requested information from its record system.

### Timescale in responding

The Council acknowledges that the response was outside of the twenty working day period prescribed by the Freedom of Information Act 2000 and we apologise for the delay here in responding to you.

As advised the Council gave active consideration to the nature of your request and the delay was due to the complex nature of the questions and on interrogation of our system we were unable to pull the necessary information together to provide you with the responses you required.

### Conclusion

For the above reasons it is be appropriate for me to turn down your request for an appeal of the Council's decision in respect of your Freedom of Information appeal. I do formally acknowledge that the request was not dealt with in the timescales required and I apologise on behalf of the Council for this delay.

However, as you will have gathered from the email this information will be available to the Council in due course and in the event you wish to make a further Freedom of Information Request to request the same in the near future, the Council will be glad to consider the same and we would hope the Spikes Cavell information will be available to us to assist with your response.

There is a right of appeal against this decision to the Information Commissioner. Any appeal should be submitted to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Head of Legal Services

19<sup>th</sup> July 2019