

My ref: FOI_1462
Your ref:

Date: 21st December 2011

Contact: Sarah Priestley – Information Governance Manager
Direct dial: 01223 699137 Contact Centre: 0345 045 5200
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Mr Ian Jackson

Customer Service and Transformation
Corporate Director, Pat Harding

By Email

[request-92002-
xxxxxxx@xxxxxxxxxxxxxxx.xxx](mailto:request-92002-xxxxxxx@xxxxxxxxxxxxxxx.xxx)

Information Governance

RES1405
Shire Hall
Cambridge
CB3 0AP

Dear Mr Jackson

Re: FOI 1462 – Request for internal review.

I write with reference to the above FOI request and your email of 30 November in which you request an internal review of our decision in that case.

The information which you requested would involve a significant amount of work over an extended period. As our response advised, there have been 3,517 cases opened by the Council since 1 January 2007, all of which are held in paper form in storage. Extracting the information from these records would take in excess of 850 hours, as explained in the schedule sent to you on 30 November.

The definitions listed in your request cover all work carried out by the Council where any court work is required. As this is not listed as part of the file description, an officer would have to extract and review every file to establish whether it was relevant to your request.

I am confident that locating, extracting and collating the information you requested would take well in excess of the appropriate limit of the Freedom of Information Act and therefore I uphold the use of s.12(2) of the Act.

The additional details you requested may be exempt from disclosure under the Freedom of Information Act, depending on their nature, (for example, if cases were settled out of court or were subject to a confidentiality agreement). This has not been considered, however, because the details would need to be extracted from each individual file and the request would therefore take an excessive amount of time to complete.

Since the estimate of time needed to retrieve the files, determine whether they met your criteria and extract the information would take over 850 hours to complete, the Officer involved considered that asking you to refine your request would be of limited assistance to you, as you would have to reduce the volume and scope in such a dramatic way that it would no longer be the same scale as your original request.

No specific topics or examples were included in the original request to guide us on suggestions we could make to refine the request. Consequently we considered the most helpful approach in this case would be to leave the matter open so that you could consider, in



light of our response, if there was any information that might be of interest to you that we possibly could provide.

The provision of 'advice and assistance' is defined in the Section 45 Code of Practice. Section 14 applies to cases where the appropriate limit is exceeded.

14.

Where an authority is not obliged to comply with a request for information because, under section 12(1) and regulations made under section 12, the cost of complying would exceed the "appropriate limit" (i.e. cost threshold) the authority **should consider*** providing an indication of what, if any, information could be provided within the cost ceiling. The authority **should also consider*** advising the applicant that by reforming or re-focussing their request, information may be able to be supplied for a lower, or no, fee.

*our emphasis

As we had considered this matter and whether providing such advice would be helpful in this specific case – subsequently deciding that it would not for the above reasons – we complied with the Code of Practice and therefore met our duty under Section 16 of the Freedom of Information Act.

16 Duty to provide advice and assistance.

(1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

(2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.

My investigation into your complaint is now concluded. However, if you are not happy with the outcome, you may contact the Information Commissioner's Office to ask for a review of the decision. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If you would like to discuss the options for modifying your request or submit a further request, please do not hesitate to contact us.

Yours sincerely

Sarah Priestley
Information Governance Manager