

John McElvaney  
Solicitor  
Director of Legal Services  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

Peter Nathanail  
\* email: request-337733-3f1b7986@whatdotheyknow.com

Telephone: 01629 538373  
Ask for: Lucie Collard  
Our Ref: LC/RFI/47212/16  
Your Ref:  
17 August 2016

Dear Mr Nathanail

**Request for information – internal review**

I write further to your request for a review of the Council's response to your Freedom of Information Request, which you made on 7 June 2016.

The original request was as follows:

"I would like copies of all complaints made to the Council regarding bus services since 1 January 2015. Please also supply all related correspondence and responses where available"

I am the Officer appointed to review this matter and have now had the opportunity to evaluate the response given by Derbyshire County Council.

The request was considered under the Freedom of Information Act 2000 (FOIA). Under FOIA, a person has the right to be informed in writing whether or not a public authority holds information specified in the request and to have that information provided to them if the authority holds that information, although this right is subject to a limited number of exemptions.

The original response stated that the request was considered to exceed the appropriate limit of £450 and was refused. The response stated that you may wish to amend your request to limit the amount and type of data you are seeking and you were provided with examples of how this could be done such as referring to a specific service.

As part of my investigation I have made enquiries with the relevant department to determine whether the information is held. I can confirm that information relating to bus complaints is held by Derbyshire County Council. However, Derbyshire County Council does not record information on the relevant customer management system using the term

Fax: 01629 538326

PUBLIC

complaint. Complaints may be logged using alternative markers for example relating to the specific bus service or relating to an individual complainant's name. In light of this it is considered that for the period specified (from 1 January 2015 to 7 June 2016) 10,000 records would need to be interrogated. It is estimated that this would take 5 minutes per record which would create a total amount of time of 833 hours. This exceeds the appropriate limit pursuant to Section 12 FOIA, £450 or 18 hours of officer time.

In your email dated 21 July 2016 you request the longest timescale to which Derbyshire County Council could respond fully within the costs constraints imposed. As advised above, due to the method of recording complaints on the customer management system it is not possible to identify a specific period. If you wish to obtain information on complaints relating to a specific bus service this may be considered.

I consider that the original response was correct in refusing the request as it exceeded the appropriate amount of £450, however, the response did not specify that the request was refused pursuant to Section 12 FOIA. I also consider that the Council complied with a duty to provide advice and assistance (Section 16 FOIA) by advising that the request may be reduced by specifying certain areas etc.

I hope that this satisfies your request for a review.

If you wish to challenge the decision further then you have the right to contact the Information Commissioner's Office as follows:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AS

[www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely



**Lucie Collard**  
**Solicitor for**  
**John McElvaney**  
**Director of Legal Services**