

Your ref:
My ref: My ref: 8137356



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14 November 2022

Dear Mr Rowe

Environmental Information Regulations 2004 ("EIR") – INTERNAL REVIEW – REF: 8137356

Your request for an internal review has now been considered and I am able to provide you with the outcome. In undertaking this review, I have considered your request for information afresh and in doing so I have considered the following items of correspondence relevant to your request for review:

1. Your request for information received on 28/07/2022
2. The Council's email acknowledging your request dated 29/07/2022
3. The Council's response to your request dated 23/08/2022
4. Your request for an internal review received on 20/09/22
5. The Council's email acknowledging your request for internal review dated 22/09/22

I have also consulted the relevant officers and considered the requirements of the FOIA and EIR regimes in so far as it applies to your request, including relevant guidance from the Information Commissioner's Office ("ICO"). I have set out below a brief chronology and then shall deal with the points relevant to my review of this matter.

I have decided that the exemption initially applied was incorrect, however, the exemption in Regulation 12(4)(b) applies and, unfortunately, we are unable to provide the information that you have requested.

Chronology and background

On 28/07/2022 you made the following request:

"I would like to raise a Freedom of Information request to either your energy manager or relevant building management team.

Please send all energy readings for all public library buildings, for as long as such data is held, and at the level of detail as is held. For example, this could be half hourly gas and electricity usage readings for all library buildings.



This should be sent in a computer readable format, ideally in as close to the original format as is held."

On 23/08/2022, the Council responded to your request:

This request is being handled under the Freedom of Information Act 2000.

I can confirm that Warwickshire County Council holds the information you requested. However we are withholding that information since we consider that the following exemptions apply to it.

Under section 21 of the Freedom of Information Act (FoIA), we are not required to provide information in response to a request if it is already reasonably accessible to you.

This response therefore acts as a refusal notice under section 17 of the FoIA.

The information you requested is available on our website using the following link - <https://api.warwickshire.gov.uk/documents/WCCC-1100822368-95> If you do not have access to the internet at home, you may be able to use facilities at your local library.

At present, this is the most reliable information held.

Your request for an internal review was received on 20/09/2022. It stated as follows:

I am writing to request an internal review of Warwickshire County Council's handling of my FOI request 'Energy readings for library buildings'.

I requested the data you held regarding energy readings for library buildings. I was clear and specific about this, including for you to:

- * Send the data 'at the level of detail as is held'*
- * Send the data in a 'computer readable format'*
- * Send the data in a format 'as close to the original format as is held'*

You can check through the FOI guidance from the ICO, but you will find it is clear in the guidelines that data held in a machine-readable format should be provided as such, so that it is reusable.

What you have done is claimed that the request is exempt, and linked me to some high-level public reports, in a print format (PDF). As interesting as these are, they are not in any way a serious response to my request. They are reports that will have been written by officers having access to the data that I am requesting, but they do not provide the reusable data that I'm asking for. To clarify, I am looking for all your stored energy readings data on library buildings, at the level on detail that they are held. (I say, 'to clarify' but this is explicit and clear in my original request).

Internal review

Relevant legislation

Your original request was dealt with under the FOIA and the exemption in s21 from this regime was applied. On considering the request, I believe that it is more appropriate to

process the request under the EIR as it relates to energy data and so the original exemption no longer applies.

Information released

At the time of your request, a review was being undertaken of the electricity data held by Warwickshire County Council (WCC) but this data was not yet available, with no timeframe attached. The most reliable and up to date data held by WCC at that time was included in the 2019/2021 report which is readily available on the WCC website but for which a link was provided. However, I can see that this does not answer your request fully.

Information we hold

WCC has centrally run corporate utility contracts for some of the public libraries and the energy data for these buildings is readily available.

However, for the public libraries that are not under the central utility contracts, the energy contracts are managed by different building managers and vary in the contract itself, how frequently the energy data is available (such as monthly or quarterly), and in what format. The amount of data held will also vary from building to building. To access this information, all energy bills held by the individual building managers would need to be reviewed for the data to be extracted. This would be a lengthy process.

Some libraries are also sited within a shared building and, in such cases, it would be impossible to separate the library's energy data from that of the whole building, as the data is for the building as a whole and not divided into service usage.

I have set out below which libraries fall into each of these categories.

Centralised libraries on corporate contract	Libraries not on corporate contract	Shared library spaces
Atherstone Library & Information Centre	Bulkington Community Library	Warwick Library and Information Centre
Bedworth Library & Information Centre	Keresley Newland Community Library & Information C	Leamington Library & Information Centre
Coleshill Library & Information Centre	Dordon Community Managed Library	Whitnash Library & Information Centre
Lillington Library & Information Centre	Water Orton Community Library & Community Centre	Leamington Library & Information Centre
Nuneaton Library & Information Centre	Dunchurch Community Managed Library	
Polesworth Library & Information Centre	Rugby Library & Information Centre	
Shipston on Stour Library & Information Centre	Southam Library & Tithe Lodge ECH	
Stratford-Upon-Avon Library & Information Centre	Kenilworth Library & Information Centre	
Wellesbourne Library & Information Centre		
Wolston Library & Information Centre		

Regulation 12(4)(b)

As we must consider your request as a whole, we have determined that it would take an excessive amount of time to comply with your request and therefore consider it to be manifestly unreasonable in accordance with Regulation 12(4)(b) of the EIR.

Regulation 12(4)(b) of the EIR states that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable. A request can be manifestly unreasonable where compliance with the request would incur a manifestly unreasonable burden on the public authority both in terms of costs and the diversion of resources.

We have calculated that it would take in excess of 19 hours to collate the information requested. This is because the information in respect of libraries not on a corporate contract is not held in an easily retrievable format. The time estimate is based on the time spent contacting the different site managers, locating the data and then viewing, extracting and collating the information which would amount to a time estimate of 17.5 hours, **per each year of data held**. The additional time would then be just over 2 hours to collate the corporate contract data. We hold energy data for the corporate contracts for 12 years but do not have this information for all non-corporate contracts to hand, currently.

Where Regulation 12(4)(b) is engaged, Regulation 12(1)(b) requires that a public interest test is carried out to determine whether the arguments in favour of maintaining the exception outweigh those in favour of disclosing the requested information. Having weighed these arguments, we consider that WCC already provides sufficient information for the public regarding its energy usage by publishing annual energy reports, which are made readily available to the public. In addition, the disclosure of the information requested would place a disproportionate burden on WCC's resources which would then impact delivery of its mainstream and core services, which we do not consider to be in the public interest.

If you would like to limit your request to the centrally run libraries listed in the first column above, we would be able to provide this information as it would not take an unreasonable amount of time to retrieve it.

Conclusion

Having carried out my review, I have partially upheld your request for internal review.

I consider that the response to your request for information was not processed under the correct regime and that the exemption applied was therefore not appropriate. I also agree that the information provided did not satisfy the particulars of your request.

Having re-considered the request under the correct EIR regime, I consider that the exemption in Regulation 12(4)(b) applies, as compliance with the request would incur a manifestly unreasonable burden on the public authority both in terms of costs and the diversion of resources.

Next Steps

If you are not satisfied with the outcome of the review you may wish to appeal to the ICO, at the following address:

Compliance Team (Complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk
Telephone: 0303 123 1113

Yours sincerely

Samantha Woolley
Warwickshire Legal Services