



Information Rights Team
Post Office Limited
Ground Floor
Finsbury Dials
20 Finsbury Street
London EC2Y 9AQ

Your reference:
Our reference: IR2022/00079

John O'Sullivan
request-818045-98bd2e5b@whatdotheyknow.com

22 February 2022

Dear Mr O'Sullivan,

Internal Review under the Freedom of Information Act - IR2022/00079

I am writing in response to your request for an Internal Review of Post Office Limited's ("**Post Office**") handling of your recent request for information under the Freedom of Information Act 2000 ("**FOIA**").

In your original request for recorded information under Ref: FOI2021/01130 received by Post Office on 22 December 2021, you requested the following information:

"In your original successful prosecutions of @900 SPM what % received custodial sentences? How many of these individuals were Non-Caucasian and how many were Caucasian?"

In our response to you of 25 January 2022, we provided information relating to part one of your request (regarding custodial sentences) and refused part two of your request (regarding the breakdown of Caucasian/Non-Caucasian individuals) under section 12(1) of the FOI Act.

On 25 January 2022, you contacted Post Office to request an internal review of its decision. A copy of the body of your email is provided below:

"Thank you for some of the information. My understanding is that you employed Peters and Peters to run the ruler over "around" 800 cases of prosecution, surely their investigations reported back all the relevant facts of the guilty including age, sex, ethnicity. A great wrongdoing was performed here and POL can shine the light on potential bias in sentencing by releasing the information you have already obtained. I respectfully suggest that it would not cost the amount you indicate and ask you to reconsider rejecting this request on cost grounds,"

In line with the requirements of the FOIA and the associated Code of Practice, we have carried out an internal review of your request for information and the way your request has been handled by the Information Rights Team in accordance with the Act.

Having considered your original request afresh, while taking careful note of the comments in your request for an internal review, as well as consulting with colleagues in the business, the Post Office Review Panel considers that the Information Rights team has appropriately responded to your request in accordance with the Act. I am therefore upholding the original response, sent to you on 25 January 2022.

The Post Office Review Panel has reviewed the handling of your request and considered each point you raised. We have considered the amount of time it would take to answer your request relating to the ethnicity ("Caucasian" and "Non-Caucasian") of those who received a custodial sentence, as this data has not previously been prepared. We

estimate the cost of carrying out this work to exceed the £450 cost limit set under the Fees Regulation for section 12 of the FOIA.

Our response letter of 25 January 2022 set out the reasons for this limit being exceeded and I am providing an extract of the salient points previously made to you, that I believe are still relevant:

"However, the 18 hours of work can only relate to carrying out the following "permitted activities" in complying with the request:

- i) determining whether the information is held;*
- ii) locating the information, or a document containing it;*
- iii) retrieving the information, or a document containing it; and*
- iv) extracting the information from a document containing it.*

In determining whether the costs limit would be exceeded, we took into consideration the total number of case files that would need to be checked (476). Post Office estimates that to locate and examine records to determine the ethnicity recorded for each individual would take approximately 21 hours overall and therefore exceed the £450 cost limit as set out in the legislation."

To further explain, Peters & Peters Solicitors LLP (P&P) carried out a post-conviction disclosure review on behalf of the Post Office, based on Post Office casework records. P&P did not capture ethnicity data within this review as it was not deemed relevant to the exercise, as a duty arises regardless of the ethnicity of an individual. In order to now capture this data, a review of all case files would need to be carried out, which would also not necessarily guarantee a complete set of ethnicity data.

Our response letter provided advice and assistance in how to narrow the scope of your request, as is the duty under section 16 of the FOI Act. Should you wish to revise your request, Post Office will treat this as a new request for information and consider it in accordance with FOIA, including whether any exemptions apply.

I am sorry not to have been able to provide you with the information you seek on this occasion. In the event that you remain unhappy with the handling of this request, you also have a right to appeal to the Information Commissioner who can be contacted at the address below:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF
Telephone: 0303 123 1113
<https://ico.org.uk>

Yours sincerely



Jonathan E Hill
Group Compliance Director

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