



Mr Simon Davis

Reply to

foi@bristol.gov.uk

Our ref 18709993

Date 4 November 2021

Dear Mr Davis

Information requested by: Mr Simon Davis

Our ref 18709993 – internal review response

I am writing in response to your concerns about Bristol City Council's handling of your request for information (our reference: 18709993) received on 08/08/2021 and which was responded to on 17/09/2021.

I have been appointed to carry out an independent review as a Data Protection Officer not involved in the original decision.

In your request dated 08/08/2021 you asked for the following information:

"Dear Bristol City Council,

Could you please provide copies of all emails, meeting minutes and any other communications/documentation/presentations that led to the consultation for a PSPO being set up.

My original request was number 16855863

Yours faithfully,

Simon Davis"

Original decision

Bristol City Council responded to your request on 17/09/2021 to confirm that we hold the information requested. This information was withheld under Section 12

of the Freedom of Information Act 2000, in that it would exceed the appropriate cost limit as defined under the act. The cost limit prescribed for local authorities sits at £450 and is calculated at £25 per hour of staff time, equating 18 hours.

Internal review request

On 29/09/2021 you contacted Bristol City Council to request an internal review as you were not satisfied with the original response to the above request.

“Dear Bristol City Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Bristol City Council's handling of my FOI request 'Follow on request to 16855863'.

Could you please review the time estimate again please and identify how you can get it down to 18hrs.

Failing that tell me how I can pay the council for the additional 2.15 hours.”

Unfortunately, your request for an internal review references the wrong case number, causing a delay in our response. I apologise for the time it has taken us to provide you with an internal review.

I have treated your request for an internal review in line with the terms of the Freedom of Information Act 2000.

Information requested

You have requested any emails, minutes, communications, documentation and presentations relating to the implementation of a Public Space Protection Order being set up in St Andrews Park.

Internal review

I have reviewed the decision to withhold the information under the Section 12 of the Freedom of Information Act 2000 – “*Exemption where cost of compliance exceeds appropriate limit*”

When enacting this exemption, a service area must conduct a sampling exercise, to evidence the time taken to complete certain tasks, and how these tasks would exceed 18 hours. I have provided the sampling exercise conducted by the service area below:

- Time spent establishing if FOI can be complied with – 2 officers @ 45 mins = 1hr 30
- Interrogating email system – 10 officers @ 30 mins each = 5 hours
- Collation of emails – 1 officer @ 45 mins = 45 mins
- Analysis of emails threads to remove duplication – 1 officer @ 1 hours = 1 hours
- Print off of emails – 1 officer @ 1hr 30 mins = 1hr 30 mins
- Redaction – 1 officer @ 1.5 days = 10.5hrs

While reviewing the sampling exercise conducted by the service area, I note that the most time-consuming exercise provided is that of 'Redaction', equating 10.5 hours.

Under the Freedom of Information Act 2000, redactions cannot be included as a relevant task when actioning a Section 12 exemption, as evidenced in the case of *The Chief Constable of South Yorkshire Police v the Information Commissioner* (EA/2009/0029, 14 December 2009).

Decision

As the service area have counted the time taken to redact exempt information from your request during their sampling exercise, the appropriate costs associated with responding to your request would not exceed the appropriate cost limits as prescribed under Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

I have informed the service area of my decision and will ensure that the relevant information is sent to you as soon as possible.

In addition to the time taken to respond to your request, the relevant officers must also keep up with the work loads of their respective roles and have raised concerns about their capacity to do this. For this reason I have suggested that the information be provided in a piecemeal format to you over the course of 2 weeks. The service area will provide the information to you in sections as and when they become available for disclosure.

Decision

The final decision of this review is that it upholds your complaint.

If you are not content with the outcome of this Internal Review you have the right to apply directly to the Information Commissioner's Office for a further decision. The Information Commissioner can be contacted at:

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

www.ico.org.uk

Yours sincerely

Hamish Morgan
Data Protection Officer