



Northern
Ireland
Office

Freedom of Information Team

Northern Ireland Office
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John Kelly

request-362629-a2ea4e08@whatdotheyknow.com

Freedom of Information Request

Dear Mr Kelly,

Our Reference: 16/118

Thank you for your email dated 04 October providing clarification of your request for information dated 03 October 2016, in which you requested information from the Northern Ireland Office (NIO):

Can you please provide me with any documents/emails/meeting minutes and other forms of information that the Home Office holds that mentions how the status of Irish citizens living & working in the UK may change after Brexit actually takes place.

Your request has been handled under the Freedom of Information Act 2000 (FOIA). However, because the cost of complying with your request would exceed the limit set by the Freedom of Information Act, on this occasion we are afraid that we will not be taking your request further.

The law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3½ working days' worth of work, calculated at £25 per hour) to identify, locate, extract, and then provide the information that has been asked for.

You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/12>.

Although we cannot answer your request at the moment, a more refined request may fall within the cost limit. It is difficult to advise how to bring the request within the limit based on the number of officials potentially in scope and the amount of emails and potential phrases that would need to be searched.

Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit. I should also point out that if the Northern Ireland Office does locate information related to your request following a refined search, this information may be withheld if it is considered that any of the exemptions in the FOIA apply.

It is unfortunate that on this occasion we have not been able to answer your request. You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Thank you for your interest in the Northern Ireland Office.

Yours sincerely,

Freedom of Information Manager

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email **within two months of the date of this letter** to the Freedom of Information team at the following address:

Freedom of Information Team

Northern Ireland Office
Stormont House
Stormont Estate
BT4 3SH

E: foi@nio.gov.uk

Information Commissioner's Office

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF
Internet address: www.ico.org.uk

ADDITIONAL INFORMATION ABOUT SECTION 12(1)

We have provided below additional information about Section 12 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.

Section 12: Cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
- (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Guidance

The appropriate limit

The 'appropriate limit', for the purposes of section 12 of the Freedom of Information Act has been set at:

- £600 for central government and Parliament.
- The hourly rate is set at £25 per person per hour.

The following activities may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded.

- determining whether it holds the information requested
- locating the information or documents containing the information
- retrieving such information or documents
- extracting the information from the document containing it.