

UK Border Agency
Freedom of Information Team
North East, Yorkshire and the Humber
Region
PO Box 3468
Sheffield
S3 8WA

Josie Appleton

Email:
request-45552-bfeeca91@whatdotheyknow.com

Fax +44 (0)114 207 2906

Email
Freedomofinformation.Employment
@ukba.gsi.gov.uk

Web www.ukba.homeoffice.gov.uk

20 September 2010

Ref: 15882/1243

Dear Josie Appleton

Thank you for your enquiry of 20 August where you have requested information on monitoring international students under Tier 4 of the Points-Based System. This has been handled under the Freedom of Information Act 2000.

We hold the information which you have requested but we have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with your request. Under section 12 of the Act, the UK Border Agency is not obliged to comply with an information request where to do so would exceed the cost limit.

Please see the information below. I have provided an explanation to each question.

In answer to question 1, I can confirm that the UK Border Agency receives notification from sponsors, including higher education sponsors, informing us of current status. To locate and retrieve this information would exceed the £600 cost limit. It is not possible to readily access this information from our management information. We would need to manually cross-reference our records and unfortunately this would exceed the Freedom of Information cost limit. Please see the following breakdown of the work required to locate and retrieve the requested information and reasons why this work would take us over the cost limit.

1. Approximately 16000 emails have currently been received by the UK Border Agency from institutions. The number of notification per email varies from 1 to 150 and they have to be counted individually.
2. It would take 4 working days for an administration officer to count these notifications depending on the complexity of the data in the attachments as it is usually provided in a non-standard format and varying data structure.

In answer to question 2, I can confirm that the UK Border Agency holds the requested information but to locate and retrieve this information would exceed the £600 cost limit for the reasons stated above. Please note that we are unable to provide the detailed information you have requested. We receive notifications from sponsors about current status; this may include information pertaining to the individual sponsor. Information relating to the sponsor is held in confidence between ourselves and the individual sponsor.

We receive notifications from sponsors about individual students; this may include personal information. We are unable to provide this information. It is the general policy of the UK Border Agency not to disclose to a third party personal information about another person. This is because the UK Border Agency has obligations under the Data Protection Act and in law generally to protect this information under Section 40 (3) of the Freedom of Information Act. Section 40(3) provides that the information will be exempt from disclosure if disclosure would breach any of the Data Protection principles. We have concluded that part of the information which you have requested would breach the first Data Protection principle and we could therefore not supply this information.

The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting information and preparing the response can be included in the costs for these purposes. The costs do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or items such as photocopying or postage.

If you refine your request, so that it is more likely to fall under the cost limit, we will consider it again. We could provide you for example with information on the number of emails held between 31 March 2009 and 31 August 2010. Please note that if you simply break your request down into a series of similar smaller requests, we might still decline to answer it if the total cost exceeds £600.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 15882. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office
Ground Floor,
Seacole Building
2 Marsham Street
London SW1P 4DF

e-mail: info.access@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely,

Daniela Walker
Freedom of Information Team
North East, Yorkshire and the Humber Region