

Exemptions

Section 12- Cost Limit

CQC considers your request to be exempt from disclosure under section 12 of the Act.

Section 12 of the FOIA applies where the cost to a public authority of complying with any individual request would exceed £450. In such cases, the public authority can refuse to comply with the request for information.

As a public authority we wish to be transparent and open about our work, but we have a statutory responsibility to use our resources effectively.

Paragraph 2(3) of Schedule 1 to the Health and Social Care Act 2008 states that “It is the duty of the Commission to carry out its functions effectively, efficiently and economically.

A public authority such as CQC is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In calculating whether this appropriate limit is exceeded, regulation 4(4) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 requires that the time taken in responding to requests (locating, retrieving and extracting the information) must be calculated at a rate of £25 per person per hour. Therefore, any requests where it would take over 18 hours to locate, retrieve and extract the information would exceed £450.

CQC estimates that to locate, retrieve and extract information from 106 safeguarding records would take longer than 18 hours and we are therefore refusing to comply with it.

In making the decision we have referred to guidance published on the Information Commissioner’s Office (ICO) website:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf