



Information Rights Team
Post Office Limited
1st Floor, Old Street Wing
148 Old Street
London
EC1V 9HQ
T 020 7250 2647

Andrea West
request-167807-cab115db@whatdotheyknow.com

Our reference : 00LO-9AEBLN

09 September 2013

Dear Ms West,

Ref: Freedom of Information Request – 00LO-9AEBLN

I am writing in response to your email dated 9 August 2013, which I am dealing with under the terms of the Freedom of Information Act 2000 (the “Act”).

In your 9 August 2013 email, you requested the following information:

"please confirm if all of these transactions actually earn subpostmasters the national minimum wage to carry out these transactions on your behalf?"

I have assumed that the relevant 'transactions' are those that were listed in your email dated 6 July 2013.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for Post Office is set at £450. This represents the estimated cost of one person spending 18 hours in determining whether we hold the information and in locating, retrieving and extracting the information.

I am unable to confirm whether Post Office Limited holds the information you have requested. Post Office Limited estimates that it will take in excess of 18 hours to determine whether we hold the requested information and to locate, retrieve and extract any relevant information which may be held. Therefore, your request will not be processed further.

Notwithstanding the costs issue explained above and our reliance upon the section 12(1) exemption, we believe that even if we were able to conduct a proportionate search and were able to find recorded information within the scope of your request, the information would, in all likelihood, be subject to the commercial prejudice exemption set out in section 43(2) of the Act. We are further satisfied that the public interest test in such circumstances would be highly likely to fall in favour of non-disclosure and I would refer you to the considerations set out in our previous letter of 2 August 2013 in this regard.

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I would also like to take this opportunity to explain that Subpostmasters are engaged by Post Office Limited via a contract for services and are not therefore employees of Post Office Limited. Additionally, they are not considered to fall within the statutory definition of a 'worker' and therefore the National Minimum Wage Act 1998 (as amended) does not apply to them. Subpostmasters are not required to provide personal service; whilst many Subpostmasters choose to work in Branch they are not obliged to do so and could instead engage members of staff to conduct transactions, as well as all other Branch services.

I am sorry that I could not provide you with information you have requested on this occasion. Should you choose to narrow and resubmit your request, I will treat this as a new request for information. Exemptions may however still apply.

If you are dissatisfied with the handling of this response, you do have a right to request an internal review. You can do this by writing to the address below stating the reasons for your internal review request:

Senior Engagement & Involvement Manager
Information Rights Team
Post Office Limited
1st Floor
Old Street Wing
148 Old Street
London
EC1V 9HQ
foia@postoffice.co.uk

If, having requested an internal review by Post Office Limited, you are still not satisfied with our response, you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Yours sincerely



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Information Rights Team Support, Information Rights Team
foia@postoffice.co.uk
<http://www.postoffice.co.uk/our-publication-scheme>