

Freedom of Information Act 2000 (Section 50) Environmental Information Regulations 2004

Decision Notice

2 September 2008

Public Authority: Bridgnorth District Council
Address: Westgate
Bridgnorth
Shropshire
WV16 5AA

Summary

The complainant requested a number of items relating to the maintenance of a septic tank serving his property and maintained by Bridgnorth District Council (the "Council"). The Council refused the request and cited the exemption under section 12 of the Freedom of Information Act 2000 (the "Act") that the appropriate limit would be exceeded if the Council was to respond to the requests. The Commissioner decided that the information requested at eight points of the request constitutes environmental information and those points should therefore be dealt with under the Environmental Information Regulations 2004 (the "EIR"). The Commissioner upheld the exception under regulation 12(4)(b) that the request covered by the EIR is manifestly unreasonable. He also found that the Council was entitled to apply section 12 of the Act to the entire request and did not need to respond to the request under the Act, but that the Council should have confirmed or denied what information is held in accordance with section 1(1)(a). The Commissioner's decision is that the Council should offer advice and assistance to the complainant as to how to narrow his request under the EIR so that it is no longer manifestly unreasonable, in accordance with regulation 9 of the EIR and the Code of Practice issued under regulation 16.

The Commissioner's Role

1. The Environmental Information Regulations (EIR) were made on 21 December 2004, pursuant to the EU Directive on Public Access to Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Information Commissioner (the "Commissioner"). In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the "Act") are imported into the EIR.
2. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

3. On 28 November 2006 the complainant wrote to the Council requesting information and citing the Act. An additional point was added to the request in a further letter to the Council on 9 January 2007. Therefore the complainant's request is as follows:

"I once again make a request under the Freedom of Information Act for the following documents covering the 6 years prior to the 1st January 2006...:

1. The Schedule of Works for the Brook View system.
 2. The name of the expert who drew up the said schedule and the date it was drawn up.
 3. The name of the officer responsible for ensuring the required maintenance and repairs were, in fact, carried out.
 4. Invoices submitted by contractors for work done by them at the Brook View System.
 5. Time sheets relating to work done by direct labour at the Brook View System.
 6. Transport schedules and records of Council vehicles visiting this site.
 7. The formula you use to convert time sheet hours to chargeable amounts.
 8. Specific records of Plant and Material Costs, to include records relating to outside contractors.
 9. Copies of Risk Assessments that were carried out prior to the maintenance and repairs being done."
4. On 29 November 2006 the Council responded to the complainant's letter of 28 November 2006 and addressed some of the points it raised but did not refer to the complainant's request under the Act.
 5. The complainant wrote to the Council on 7 December 2006 and requested a response to his request for information under the Act of 28 November 2006.

6. On 22 December 2006 the Council responded by issuing a refusal notice under section 17 of the Act. It stated that it would require more than 18 hours of work to respond to the request and claimed the exemption under section 12 of the Act.
7. On 9 January 2007 the complainant wrote to the Council again and repeated his request, including the addition of point 9. This letter served the purpose of a request for an internal review of the decision to apply the exemption under section 12 of the Act.
8. The complainant wrote to the Council again on 27 February 2007, addressing his letter to the Chief Executive, and stated that he had not received a response to his letter of 9 January 2007. He stated that the letter had been hand-delivered to the Council's offices and that a copy of it was enclosed with the new letter.
9. The Council responded on 1 March 2007 and stated that the complainant's letter of 9 January 2007 had not previously reached the relevant Council officer. The Council also stated that it was upholding its decision to apply a section 12 exemption to the request.

The Investigation

Scope of the case

10. On 7 March 2007 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant asked the Commissioner to consider the Council's decision to refuse to provide the information.

Chronology

11. On 26 February 2008 the Commissioner wrote to the Council and stated that the request relates to environmental information and should therefore be dealt with under the EIR. He requested a full breakdown of the time the Council estimated was required to respond to the request, together with details of which information is held and a description of the Council's records management systems.
12. The Council responded on 11 April 2008 and stated that it did not hold the majority of the information requested by the complainant, but that information is held regarding points 4, 5 and 6 of the request. It stated that it estimated a minimum of 48 hours work would be required to locate and extract this information.
13. The Commissioner wrote to the Council on 14 April 2008 and asked it to provide a more detailed description of the actions involved in extracting the information requested together with details of the calculations it had conducted to arrive at its estimate of 48 hours. Regarding the information the Council stated it did not hold,

- he requested explanations of the Council's records management and document retention procedures.
14. On 28 April 2008 the Council responded by describing its filing systems and the actions required in order to extract information relating to points 4, 5 and 6 of the request. Following further consideration the Council took this opportunity to increase its estimate for point 4 of the request to 14 hours, resulting in a total estimate of 56 hours for the request. The Council did not, however, provide details of a calculation upon which its estimates were based. Regarding the other points of the request, it stated that the requested information had never existed. The Council also stated that it had enclosed a copy of its Document Retention and Disposal Strategy in order to demonstrate that it was only obliged to hold information relating to points 4 and 5 of the request. However this document was not enclosed with the letter.
 15. Following a telephone call from the Commissioner to the Council, the Council supplied the Commissioner with a copy of its Document Retention and Disposal Strategy on 8 May 2008.
 16. On 13 May 2008 the Commissioner wrote to the Council and stated that he required specific details of the calculation of its estimate in order to properly assess whether the exemption should be upheld. Where the Council stated it did not hold information, the Commissioner requested confirmation that the Council was not obliged to hold that information.
 17. The Council responded on 22 May 2008 and provided details of the calculations upon which its estimates were based. These estimates suggested responding to point 4 of the request would require 14 hours of searching, while points 5 and 6 would require a combined search taking 43 hours 20 minutes. These estimates equalled a total estimate of 54 hours 20 minutes.

Analysis

18. In determining this case, the Commissioner has taken into account the submissions of both the public authority and the complainant. Full extracts of the relevant law considered in this case can also be found in the Legal Annex to this Notice.

Procedural matters

Regulation 2(1) – Defining environmental information

19. The Commissioner has considered whether the requested information should be interpreted to be environmental information under regulation 2(1) of the EIR.
20. Regulation 2(1)(c) provides that –

“environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on -

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements’

21. The factors referred to in (b) include -

‘substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a)’

22. The Brook View system is a small sewage treatment plant serving eight domestic properties. The functions of this treatment plant fall within the definition of factors in 2(b), most particularly with reference to ‘discharges and other releases into the environment’, and ‘waste’. The Commissioner has referred to the Guidance he published on ‘What is Environmental Information?’, which states that waste can be broadly interpreted to include a number of types of waste, including sewage sludge.

23. The information covered by the request, with the exception of point 7, provides a record of the maintenance of the Brook View system and therefore concerns the measures and activities referred to in 2(1)(c), which affect or are likely to affect the processing of waste which is defined as a factor in 2(1)(b). These measures and factors, in turn, are likely to affect the elements of the environment listed in 2(1)(a), most notably water, soil and land.

24. The Commissioner therefore considers that the information requested by the complainant, with the exception of point 7, is defined as environmental information.

25. The information requested at point 7 is deemed not to be environmental information because it relates to a generic formula used by the Council to calculate the cost of work carried out on its maintenance sites. The Commissioner considers that this is not information on a measure defined in regulation 2(1)(c), that is likely to affect the elements of the environment listed in 2(1)(a) or via 2(1)(b). The information does not fall under any of the other limbs of the definition. Therefore this point of the request does not fall under the Regulations.

26. The Commissioner will first look at the points of the request covered by the EIR, and then the Act.

Environmental Information Regulations 2004

Exception

Regulation 12(4)(b) – The request for information is manifestly unreasonable

27. As the requested information (apart from part 7) is environmental information, the Council should have dealt with the request under the EIR rather than the Act. Regulation 12(4)(b) of the EIR is a broad provision for public authorities to refuse to process requests which are manifestly unreasonable. This may cover requests which are unreasonably costly for the Council to answer.
28. The Commissioner has therefore considered whether the cost of handling the complainant's request of 28 November 2006 and its additional point of 9 January 2008 would be manifestly unreasonable under regulation 12(4)(b).
29. Regulation 12(4)(b) provides that –

“a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable”
30. In order to assess whether the request would be unreasonably costly for the Council to answer, the Commissioner has considered the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the “Fees Regulations”) as a benchmark for the expectations placed upon public authorities when responding to requests. The appropriate limit is set out in the Fees Regulations as £450 for local authorities. This equates to 18 hours of work. Although this limit does not represent a strict boundary for determining whether a request under the EIR is manifestly unreasonable, the Commissioner has included it in his considerations.
31. The Commissioner has also referred to the Fees Regulations for guidance as to the activities the Council may include in its estimate of the cost of dealing with the request. A local authority may only legitimately refuse requests for information on fees grounds under the Act if it would take more than 18 hours to:
 - a) determine whether it holds the information requested;
 - b) locate the information requested;
 - c) retrieve the information from a document containing it; and
 - d) extract the information from a document containing it.

While these guidelines do not constitute a strict test to be used under the EIR, they are a helpful group of guiding principles for identifying the actions which can be considered when determining whether a request is manifestly unreasonable.

32. The Council has provided the Commissioner with details of the basis for its estimates.
33. In its letters of 28 April 2008 and 22 May 2008 the Council confirmed that it believes the information requested at points 4, 5 and 6 is held, but that difficulties

would arise in locating, retrieving and extracting the relevant information. This is because the Council does not hold information separately for the various septic tanks it maintains. The Council described the actions which would be required in order to extract the information for the Brook View system specifically.

34. The Council confirmed that the contractors' invoices requested at point 4 are held on a hard copy filing system in the basement of its offices in Bridgnorth. Firstly, the IT system in the Council's Finance department would have to be accessed in order to identify expenditure codes from the Council's creditors database. This would be used to call up invoice numbers and week numbers for a particular year, which would then be used to trace the relevant hard copy files. These files would then be searched through to identify the relevant invoices and confirm that they relate to the Brook View site.
35. The Council conducted a timed 'dummy run' to retrieve a contractor's invoice from its records system. It timed the above actions to take 4 minutes. It then added one minute for photocopying the invoice and arrived at a total of 5 minutes per invoice. The Council stated that during the 2005/2006 financial year, the final year to which the complainant's request relates, it received 28 invoices from contractors carrying out work to its sewage treatment plans. It therefore assumed 28 as a representative or typical number of invoices it receives per year. It multiplied these figures with the number of years (six) covered by the request:

$5 \text{ (minutes/invoice)} \times 28 \text{ (invoices/year)} \times 6 \text{ (years)} = 840 \text{ minutes, or 14 hours}$

36. The Commissioner considered that it was not reasonable for the Council to include one minute for photocopying each invoice as administrative activities such as copying information are not set out in the permitted actions under the Fees Regulations, as referred to in paragraph 31 of this Notice. He therefore considered that the Council's calculation should be as follows:

$4 \text{ (minutes/invoice)} \times 28 \text{ (invoices/year)} \times 6 \text{ (years)} = 672 \text{ minutes, or 11 hours 12 minutes}$

The Commissioner considers that the basis for the Council's estimate is otherwise reasonable, and therefore accepts an estimate of 11 hours 12 minutes for the Council to respond to point 4 of the request.

37. The Council confirmed that information relating to points 5 and 6 of the request is held, and is contained on time sheets stored in hard copy at the Council's remote storage facility in Swansea. It explained that the Council has 20 operatives and each of these may have undertaken maintenance work at the Brook View site over the period of six years covered by the request. The Council will therefore need to search through all of the timesheets it holds in order to identify those which relate to Brook View.
38. Daily records are filed into weekly batches of timesheets and stored in alphabetical order in relation to the name of each employee. Therefore the Council would have to search through six years' worth of timesheets which are stored in 52 weekly batches per year, each containing 20 weekly timesheets as

there are 20 operatives. Each weekly timesheet has five daily records attached to it. The Council therefore calculates that the number of timesheets it holds is as follows:

5 (daily records) x 20 (operatives) x 52 (weeks) = 5200 timesheets per year

5200 x 6 (years covered by the request) = 31,200 timesheets to be searched

39. The Council allowed an average of 5 seconds to read the details on each timesheet and identify whether the work recorded relates to the Brook View site. This equates to an estimate of 43 hours 20 minutes for the Council to respond to points 5 and 6 of the request. The Commissioner accepts that the basis for this estimate is reasonable.
40. The Commissioner therefore accepts the basis for the Council's estimate that dealing with the complainant's request in its entirety would require 54 hours 32 minutes of work.
41. In view of the appropriate limit of 18 hours which applies to the Act and is set out above at paragraph 27, the Commissioner considers that answering the request would require the Council to search through large amounts of information and would seriously disrupt its everyday work. The Commissioner also considers it is reasonable to consider the parts of the request together as one request (as they relate to the same or similar information), apart from the request that did not fall within the Regulations. In accordance with Guidance he published entitled 'Environmental Information Regulations', which outlines the exceptions under the EIR, he therefore considers that the request is manifestly unreasonable and the exception to the duty to make environmental information available is engaged under regulation 12(4)(b).

The public interest test

42. All exceptions under the EIR are subject to a public interest test. Regulation 12(1)(b) states that a public authority may refuse to disclose environmental information requested if –

"in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information".
43. The Commissioner notes the specific presumption in favour of disclosure under regulation 12(2) of the EIR and interprets it to mean that if the factors on both sides are balanced evenly, the public authority should disclose the information.
44. In favour of the Council disclosing the information requested, the Commissioner considered that the general purpose of the EIR is to enable the public to access information which affects or is likely to affect the environment. This has the clear benefits of promoting accountability and transparency as well as enabling individuals to access information which may help them to challenge a decision made, or an action taken, by the public authority. This in turn promotes a sense of democracy and public participation.

45. The Commissioner also recognises that in this case there is a specific public interest in the principle of members of the public being able to access information which may reassure them that a Council is fulfilling the terms of any agreement regarding the maintenance of public utilities such as sewage plants.
46. When considering the public interest in favour of maintaining the exception, the Commissioner has considered whether responding to the request would require the Council to undertake an unreasonable amount of work which would divert it from its core business. In view of the 'appropriate limit' of 18 hours for dealing with requests under the Act, as set out at paragraph 27 above, the Commissioner considers that the total estimated requirement of 54 hours 32 minutes to respond to the request represents an unreasonable amount of work. The exception serves to protect public authorities from being distracted from the various important public functions and duties they are charged with, and therefore to ensure that compliance costs are kept to a reasonable amount.
47. When balancing these considerations, the Commissioner has noted the fact that the Brook View sewage treatment plant serves only eight domestic properties and therefore there are a limited number of people with a strong interest in the information which has been requested. While the public interest strongly promotes the transparency and accountability of public authorities, the Commissioner also notes that the estimated time for complying with points 4, 5 and 6 of the request alone is three times the 'appropriate limit' which is applied in similar circumstances under the Act. As such, responding to the request would clearly require the Council to divert a disproportionate amount of its resources from its everyday core functions. There is a very strong public interest in public authorities being able to carry out their wider obligations fully and effectively, so that the needs of the communities they serve are fulfilled.
48. In view of the above, the Commissioner considers that in all the circumstances of this case, the public interest in maintaining the exception under 12(4)(b) outweighs the public interest in disclosing the information.

Regulation 9 – Advice and assistance

49. The Commissioner has considered whether the Council should provide the complainant with advice and assistance as to how his request may be narrowed and therefore deemed a reasonable request.

50. Regulation 9(1) provides that –

“A public authority shall provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to applicants and prospective applicants.”

Regulation 9(3) stipulates that where a public authority complies with the Code of Practice issued under regulation 16 in respect of the provision of advice and assistance, it will have complied with regulation 9(1). The Commissioner has

therefore considered the Council's obligations to advise and assist with reference to the Code of Practice.

51. The Code of Practice states that public authorities should be flexible in offering advice and assistance most appropriate to the circumstances of the applicant. As the complainant is seeking recorded information to demonstrate that work has been undertaken by the Council to maintain the Brook View system it is clear that, even if his request is narrowed, any information the Council is reasonably able to provide would be of interest to him.
52. The Commissioner considers that it would be reasonable for the Council to specify which information it is able to disclose to him without requiring a manifestly unreasonable amount of work.

Freedom of Information Act 2000

Procedural matters

Section 12 – cost of compliance

53. As he found that part 7 of the request did not fall within the Regulations the Commissioner has also considered whether the Council is not obliged to comply with the entire request by virtue of section 12 of the Act (cost of compliance exceeds the appropriate limit). A Freedom of Information request is a request for any recorded information; this includes environmental information, for which there is an exemption under section 39, but consideration of the exemptions will not be made if there is no duty to provide the information under the Act due to the application of section 12. The entire request should therefore be considered under the Act as well. The parts of the request can be aggregated together by virtue of Regulation 5(2) of the Fees Regulations as they relate to the same or similar information. Therefore, for the reasons set out in paragraphs 27- 41, responding to the request would exceed the appropriate limit under the Act. This does not affect the rights the complainant still has under the Regulations. However, in accordance with section 12(2) of the Act the Commissioner finds it would have been possible for the Council to comply with section 1(1)(a) without exceeding the appropriate limit and the Council therefore breached section 1(1)(a) by not confirming or denying whether it held information that fell within the request.

The Decision

54. The Commissioner's decision is that the Council was entitled to rely on regulation 12(4)(b) under the EIR and section 12 under the Act. Under the EIR, the public interest in maintaining the exception outweighs the public interest in disclosing the information when the request is considered as a whole.

However, the Commissioner has also decided that the Council breached the EIR in the following respects:

- It breached regulation 14(3) because it did not apply the correct exception to the duty to disclose under the EIR.
- It breached regulation 9(1) because it did not offer the complainant advice and assistance in accordance with the Code of Practice.

The Commissioner has decided the Council breached section 1(1)(a) of the Act as did not confirm or deny what information it held that fell within the request.

Steps Required

55. The Commissioner requires the public authority to take the following steps to ensure compliance with the EIR and the Act:

- i) In accordance with regulation 9 of the EIR, the Council should contact the complainant and offer advice and assistance by informing him as to how to narrow his request so that it would no longer be manifestly unreasonable. This should include an estimate of how long it would take to respond to each part of his request, as has been outlined above in paragraphs 35 to 39, and an indication of the nature of the information it holds.
- ii) The Council should confirm or deny what information it holds related to each part the request in accordance with section 1(1)(a) of the Act.

56. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Other matters

57. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters:

- During this investigation the Council has informed the Commissioner that the information requested in parts 1, 2, 7, 8 and 9 of the request is not held. The Commissioner is satisfied that the Council has fulfilled the criteria he most usually applies when inviting a public authority to demonstrate that it does not hold information.
- The Council has also indicated to the Commissioner that information relating to point 3 of the request is held, but has not specified whether it wishes to apply an exception to this information. The Commissioner considers it likely that the information would be subject to the exception under regulation 13 as it is personal data, and the Council will need to consider whether disclosure would breach the data protection principles.

- The Commissioner is concerned by the shortcomings in the Council's records management systems highlighted by the complainant's request. The fact that the Council did not store records for individual maintenance sites during the period covered by the request means that any request of a similar nature is likely to be deemed manifestly unreasonable. However the Commissioner notes that the Council has taken steps to improve its records by recording this information for individual maintenance sites since 1 January 2006.
- The Commissioner considers that it may have been possible to resolve this case without requiring a formal Decision Notice if the Council had voluntarily offered the complainant advice and assistance, as advised by the Commissioner during the investigation of this case.

Failure to comply

58. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Right of Appeal

59. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 2nd day of September 2008

Signed

**Steve Wood
Assistant Commissioner**

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

Legal Annex

Environmental Information Regulations 2004

Regulation 2(1) In these Regulations –

“environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on -

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

Regulation 9(1) A public authority shall provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to applicants and prospective applicants.

Regulation 9(3) Where a code of practice has been made under regulation 16, and to the extent that a public authority conforms to that code in relation to the provision of advice and assistance in a particular case, it shall be taken to have complied with paragraph (1) in relation to that case.

Regulation 12(1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if –

- (a) an exception to disclosure applies under paragraphs (4) or (5); and
- (b) in all circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Regulation 12(2) A public authority shall apply a presumption in favour of disclosure.

Regulation 12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –

- (b) the request for information is manifestly unreasonable;

Regulation 14(1) If a request for environmental information is refused by a public authority under regulations 12(1) or 13(1), the refusal shall be made in writing and comply with the following provisions of this regulation.

Regulation 14(3) The refusal shall specify the reasons not to disclose the information requested, including –

- (a) any exception relied on under regulations 12(4), 12(5) or 13; and
- (b) the matters the public authority considered in reaching its decision with respect to the public interest under regulation 12(1)(b) or, where these apply, regulations 13(2)(a)(ii) or 13(3).

Freedom of Information Act 2000

General Right of Access

Section 1(1) provides that –

“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.”

Exemption where cost of compliance exceeds appropriate limit

Section 12(1) provides that –

“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.”

Section 12(2) provides that –

“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.”

Section 12(3) provides that –

“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.”

Section 12(4) provides that –

“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.”

Section 12(5) – provides that

“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 estimated.