

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 13 May 2010

Public Authority: Lancashire County Council
Address: PO Box 100
County Hall
Preston
PR1 0LD

Summary

On 12 May 2009 the complainant requested details of expenses claimed by two named County Councillors between 2001 and 2009. The public authority initially provided some information to the complainant. Following an internal review of the handling of the request the public authority disclosed further information and withheld the remainder on the grounds of cost. The public authority also stated that a small proportion of the information was not held. The Commissioner finds that the public authority has complied with the Act concerning section 1 and section 12. However he notes that the authority did not comply with the statutory time limits laid out in sections 10 and 17. The public authority also failed to provide adequate advice and assistance under section 16. The Commissioner requires the public authority to take remedial steps in line with section 16.

The Commissioner's Role

1. 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

2. On 12 May 2009 the complainant submitted the following request to Lancashire County Council (the Council):

"Please supply all details of County Council expenses and allowances as claimed/granted by the two Fleetwood County Councillors as indicated below. I require full details of the total expenses and allowances granted or claimed and a full breakdown of claims granted or claimed for the electoral periods 2001 to 2005 and 2005 to 2009."

3. The public authority acknowledged the request on the same day.

4. On 09 June 2009 the public authority provided a response to the complainant. The Council attached details of figures entitled "Lancashire County Council – Members' Allowances". These figures gave the total claims/expenses amounts for each year and each councillor under the headings: "Basic; Special Responsibility; Carers and Travel and Substance".

5. On 11 June 2009 the complainant contacted the public authority and requested an internal review. The complainant stated:

"...The basic figures shed absolutely no transparency or oversight on the actual claims. It should be noted that I requested a full breakdown of claims...and I have only received the full figures for each category. For instance what are the 'special responsibilities' and what is their breakdown..."

6. On 18 June 2009 the complainant chased the Council for an acknowledgment of his request for an internal review.

7. On 07 July 2009 the complainant again contacted the public authority to chase an acknowledgment of his request for an internal review.

The Investigation

Scope of the case

8. On 19 August 2009 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the

fact that the public authority had not responded to his request for an internal review.

Chronology

9. On 15 September 2009 the Commissioner wrote to the public authority asking it to conduct the requested internal review and communicate the outcome to the complainant and Information Commissioner's Office within twenty working days.
10. On 28 October 2009 the complainant contacted the Commissioner to confirm that he had not received a response from the public authority.
11. On 10 November 2009 the complainant again contacted the Commissioner to confirm that he had still not received a response from the public authority.
12. On 20 November 2009 the Commissioner telephoned the Council seeking an update on the progress of the internal review. The Council explained the review was likely to be completed within a week and that it partly upheld the complaint. Therefore the review had been delayed due to the public authority gathering relevant information ready for disclosure.
13. On 03 December 2009 the public authority provided details of the internal review's outcome to the complainant and Commissioner. The public authority wrote the following response to accompany the information it disclosed explaining it was withholding the remainder under section 12 of the Act:

"...the information provided to you on 09 June did not fully meet the requirements of your request, and the review is therefore partially upheld.

However, you requested details of all claims by the two named County Councillors since 2001...providing this information would require a commitment of resources far in excess of the limit of £450...

In light of the above, I have asked for the information relating to claims made by [named councillor] since May 2006 and by [named councillor] since February 2006 to be forwarded to you immediately. Collating more than this would exceed 18 hours; indeed, retrieving and extracting the information provided...is estimated to have taken approximately 22 hours, or £550..."

14. In the response of 03 December 2009 the public authority also went on to explain that a number of manual claims forms for certain months could not be located. The Council provided the totals claimed for these months in a separate document.
15. On 09 December 2009 the Commissioner wrote to the complainant asking him to clarify he had received the response from the public authority and whether or not he was satisfied with it.
16. On 09 December 2009 the complainant responded to the Commissioner's letter. He confirmed receipt of the internal review outcome and CD containing the disclosed information. However he explained that he remained dissatisfied as the Council had refused to disclose details of the named councillors' claims/allowances for the years 2001 – 2005. He stated:

"...they [Lancashire County Council] have virtually ignored the bulk of my request. They have utilised the cost of compliance exemption without explaining this in any way."
17. On 09 December 2009 the Commissioner wrote to the complainant to outline the options now open to him regarding the progression of his case.
18. On 09 December 2009 the public authority contacted the Commissioner to provide further details and explanations to support its refusal under section 12. The Council also provided screenshots to illustrate the process needing to be undertaken to collate all the requested information. The Council reiterated that the information already disclosed had amounted to 22 hours work equating to a cost of £550.
19. On 10 December 2009 the complainant contacted the Commissioner to request a formal progression of the case. The complainant remained dissatisfied with the public authority's handling of his request describing the Council's final response as *"wholly inadequate"*.
20. During the course of the investigation the Commissioner reviewed all the case documents held on file. In particular he required clarification on statements contained in the internal review outcome of 03 December 2009.
21. On 16 February 2010 the Commissioner wrote to the public authority drawing its attention to the following statement contained in the result of the internal review:

"Please note that claims forms for [named councillor] from Feb 06 to Nov 07 are manual claims forms. Forms for certain months cannot be located; these are July 06, August 06, September 06, October 06, November 06, April 07 and May 07..."

22. The Commissioner explained the statement highlighted a different matter that had not been properly addressed in the Council's response of 03 December 2009. He informed the public authority he would need to investigate whether or not the information listed above was held by the Council. To do this the Commissioner provided the public authority with eleven questions regarding amongst other details: searches that had been undertaken to locate the information; the form in which the information was likely to be held and where and details of the authority's records retention policy.
23. On 19 March 2010 the public authority provided a substantive response to the Commissioner answering all eleven questions.

Analysis

Substantive Procedural Matters

The full wording of all the relevant sections quoted below can be found in the Legal Annex at the end of this notice.

24. Section 1 analysis

Section 1(1) of the Act states:

"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."

The Council initially provided information to the complainant believing the disclosed information satisfied the request. After carrying out an internal review the public authority disclosed more information to the complainant providing greater detail in a breakdown of the total figures initially provided. The Council withheld the remainder under section 12.

25. As detailed in the chronology above the Commissioner has investigated whether part of the information, namely certain manual claims forms, were held by the public authority at the time of the request. His investigation centred on the following considerations:

- What and how searches were carried out.
- Where and how information was held, ie. electronically/manually.
- Was information ever held then destroyed/ceased to be retained?
- The Council's records management policy.

26. The Council's response dated 19 March 2010 gave answers to all the questions required by the Commissioner detailed under the sections above. The responses related to all the information the complainant originally requested, namely details of the expenses of two named councillors for the entire number of years requested: 2001 – 2009.

27. The public authority's responses detailed the following points:

- An electronic, online networked based system is the current way of recording all expense claims.
- Manual, paper claims forms were used to record expense claims before the introduction of the online system.
- All electronic expense records are kept on file under the relevant Councillor's name and are not filed under any other terms.
- Claims forms containing the total figures for the 'missing months' are held, it is individual claims forms that cannot be located.
- Records of this nature both electronic and manual should be retained by the public authority for six years for audit/tax purposes.

28. **Section 1(1) conclusions**

With regard to the information held by the public authority, the Commissioner finds after investigation the manual paper claims forms for the named months: July 06, August 06, September 06, October 06, November 06, April 07 and May 07 are not held by the Council.

29. The public authority's initial response of 09 June 2009 did not comply with section 1(1)(a) or (b) as the outcome of the internal review showed. The Council's response of 03 December 2009 then informed the complainant what information was held by the public authority satisfying section 1(1)(a). The Council provided the complainant with the information it held and that was not exempt under section 12 (see below for a separate analysis) satisfying 1(1)(b).

30. The Commissioner believes that the public authority could have addressed the matter of what information it actually held pertaining to the request in its initial response of 09 June 2009. The Commissioner does recognise that the Council did provide total figures for the missing months in the manual forms that could not be located by creating a miscellaneous spreadsheet however this was again only first addressed in the outcome of the internal review dated 03 December 2009.

31. **Section 10 analysis**

Section 10(1) of the Act states:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following date of receipt."

As highlighted above in paragraph 30 the Council did not confirm that it did not hold the requested information in relation to the missing manual claims forms in its response of 09 June 2009.

32. **Section 10 conclusions**

In not addressing the matter of the missing claims forms until the internal review on 03 December 2009 the public authority failed to comply with section 1(1) within the statutory time frame. Therefore the Commissioner finds the Council to be in breach of section 10(1).

33. **Section 12 analysis**

Section 12(1) of the of the Act states:

"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."

34. The Council stated on 03 December 2009 that providing the information (concerning the years 2006 – 2009) it had already disclosed to the complainant had taken approximately 22 hours. Therefore complying with the request fully (years 2001 – 2009) would further exceed the appropriate limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. These Regulations set a limit for local authorities of £450 to the cost of complying with a request. In estimating the cost of complying a public authority can take the following into account:

- determining whether it holds the information requested;

- locating the information or documents containing the information;
- retrieving such information or documents; and
- extracting the information from the document containing it.

35. The Regulations state:

"...any of the costs which a public authority takes into account are attributable to the time which persons undertaking any of the activities mentioned in paragraph (3) on behalf of the authority are expected to spend on those activities, those costs are to be estimated at a rate of £25 per person per hour."

36. The Council provided the Commissioner with details, including three screen shots to illustrate points made about collating the information, of the estimated costs of compliance. The public authority stated the following:

"Much of the information (with the exception of the manual claim forms) was obtained from an 'online' system. To obtain the information I had to log on to this system, choose the relevant Councillor, and then open up each of their monthly claims. However...in many cases the full details were not displayed. This meant I could not simply 'print off' the screens, as it would not provide the full information...The only way to display this hidden extra information is to hover the mouse over the field, and the full information appears in a temporary 'pop up' box, which disappears again after approximately 5 seconds.

37. *...there is no way to run reports from the online system, or to automatically produce the 'hidden' information that appears in the yellow pop-up boxes, I had to manually type the content of each pop-up box into a separate document (Microsoft Excel). This was the only way to extract the information from the online system...a laborious process which I had to do for a vast amount of the fields in the system, for monthly claims for two different Councillors, both spanning several years.*

...the manual claim forms had to be retrieved from our records office archives and scanned into a PDF document...retrieving and extracting the information that we did provide to [the complainant] amounted to approximately 22 hours, equating to £550."

38. Therefore if the public authority was to carry out the tasks described above for the rest of the information (years 2001 – 2005) the work would be likely to amount to another 22 hours and cost of £550, further exceeding the appropriate limit.

39. **Section 12(1) conclusions**

The Commissioner accepts the explanation provided by the Council as to the actions required by it to extract and collate the information. The Commissioner is satisfied that for the public authority to comply with the request fully it would exceed the appropriate limit and therefore the remainder of the requested information was exempt under section 12 of the Act.

Procedural Requirements

40. **Section 16 analysis**

Section 16 of the Act states:

“It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it”.

Section 16 of the Act therefore places a duty on public authorities to provide advice and assistance to requesters. The Commissioner is also mindful of the Code of Practice (the ‘Code’) issued by the Secretary of State under section 45 of the Act. Paragraph 14 of the Code recommends that, where a public authority estimates that compliance with a request would exceed the cost limit, the authority should also consider whether it could provide the complainant with advice and assistance in order to bring his request within the cost limit.

41. In relation to section 16 of the Act the Commissioner believes that public authorities should focus on the information which has been requested, if necessary seeking clarification from the applicant as to what information is wanted. He strongly recommends that early contact is made with the applicant and that any advice and assistance is delivered in a clear and intelligible manner. Where a request has been refused on grounds of excessive cost it may well be appropriate for the public authority to assist the applicant in making a subsequent request, for example establishing a dialogue with the applicant so that the available options can be clearly spelt out and explored.

42. **Section 16 conclusions**

Having considered the correspondence in this case, the Commissioner finds that although the Council provided information up to and over the cost limit after reviewing the handling of the request, he has not seen any evidence that the Council engaged with the complainant to provide the relevant advice and assistance described above in particular when the request was first received.

43. In cases like this the Commissioner would normally expect the public authority to refuse to disclose all of the requested information under section 12; the public authority would not be expected to disclose parts of the information as it has done in this case. The public authority would be expected to then provide advice and assistance on what could be provided within the costs limit in line with its section 16 obligations. This would enable the applicant to refine his/her request according to what information is his/her priority. Although admittedly the public authority in this case is trying to be helpful by providing some of the information, in some ways this approach disadvantages the applicant by taking away his/her right to express a preference for what he/she wants.

44. The Council did not attempt to identify how much information was required by the complainant nor did it give the complainant the opportunity to refine his request. The public authority may have been able to provide a greater volume of information in less detail for example. On this basis the Commissioner finds the Council to be in breach of its duty under section 16 of the Act.

45. The Commissioner believes there is still scope for the complainant, with advice and assistance from the Council, to usefully refine his request. For example the complainant may be able to refine his request to ask for one year's claims/allowances for one councillor; or even a specific month of a year. The Commissioner therefore believes it is possible following relevant advice and assistance from the public authority to refine the request to come within the costs limit.

46. **Section 17 analysis**

Section 17(5) of the Act states:

"A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact."

It is evident within this case that the public authority issued the refusal notice citing section 12 on 03 December 2009.

47. **Section 17 conclusion**

The Commissioner is aware of the chronology throughout this case and in particular the time for responses from the Council to the complainant. With regards to the refusal notice of 03 December 2009 detailing the Council's late reliance on section 12 he finds the public authority to be in breach of section 17(5) in providing the refusal notice outside the statutory time frame.

The Decision

48. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act:

- Section 1 – the public authority informed the complainant whether information was held complying with 1(1)(a) and provided the information it was able to in part complying with 1(1)(b).
- Section 12 – the public authority correctly withheld the requested information in part on grounds of cost, complying with 12(1).

However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:

- Section 10 – the public authority failed to comply with section 1(1) within twenty working days of receipt of the request. Therefore the Council has breached section 10(1).
- Section 16 – the public authority did not provide adequate advice and assistance to the complainant when his request was first submitted. Therefore the Council did not comply with 16(1).
- Section 17 – the public authority failed to issue a refusal notice on the grounds of section 12(1) within the statutory time frame. Therefore the Council has breached section 17(5).

Steps Required

49. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:
 - Contact the complainant and discuss what it can provide within the costs limit, in order for the Council to comply with its obligations under section 16(1) of the Act.
50. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

51. 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.

Other matters

52. Although they do not form part of this Decision Notice as technical breaches the Commissioner wishes to highlight the following matters of concern:

Time for Internal Review

Part VI of the section 45 Code of Practice makes it desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information, and that the procedure should encourage a prompt determination of the complaint. As he has made clear in his *'Good Practice Guidance No 5'*, published in February 2007, the Commissioner considers that these internal reviews should be completed as promptly as possible. While no explicit timescale is laid down by the Act, the Commissioner has decided that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days. The Commissioner is concerned that in this case, it took over 100 working days for an

internal review to be completed, despite the publication of his guidance on the matter.

53. Records management

The code of practice issued under section 46 of the Act (the "section 46 code") sets out the practices which public authorities should follow in relation to the creation, keeping, management and destruction of their records.

54. During the course of the Commissioner's investigation the authority confirmed that it was unable to either locate certain claims forms or to demonstrate that they had been destroyed in accordance with a disposal schedule. The Commissioner expects that, in future, the authority will ensure that its records are retained in accordance with its own records management policy and that it will have due regard for the recommendations of the section 46 code. The section 46 code is published online at this address:

<http://www.justice.gov.uk/guidance/docs/foi-section-46-code-of-practice.pdf>

55. Breakdown of costs

The public authority did not provide the complainant with any breakdown of the estimated costs of complying with the request in the refusal notice. Although the Act does not require a public authority to provide a costs breakdown when refusing a request under section 12, the Commissioner considers that it is good practice to do so. He would advise the public authority that including a costs breakdown in a section 12 refusal notice is likely to make it easier to comply with the section 16 duty to advise and assist an applicant on what could be provided within the cost limit.

Right of Appeal

56. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

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 sent.

Dated the 13th day of May 2010

Signed

**Gerrard Tracey
Principal Policy Adviser**

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

Legal Annex

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."

Section 1(2) provides that -

"Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14."

Section 1(3) provides that –

"Where a public authority –

- (a) reasonably requires further information in order to identify and locate the information requested, and
- (b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information."

Section 1(4) provides that –

"The information –

- (a) in respect of which the applicant is to be informed under subsection (1)(a), or
- (b) which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request."

Section 1(5) provides that –

"A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b)."

Section 1(6) provides that –

“In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.”

Time for Compliance

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 10(2) provides that –

“Where the authority has given a fees notice to the applicant and the fee paid is in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt.”

Section 10(3) provides that –

“If, and to the extent that –

- (a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or
- (b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given.”

Section 10(4) provides that –

“The Secretary of State may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with the regulations.”

Section 10(5) provides that –

“Regulations under subsection (4) may –

- (a) prescribe different days in relation to different cases, and
- (b) confer a discretion on the Commissioner.”

Section 10(6) provides that –

“In this section –

“the date of receipt” means –

- (a) the day on which the public authority receives the request for information, or
- (b) if later, the day on which it receives the information referred to in section 1(3);

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

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.”

Duty to provide Advice and Assistance

Section 16(1) provides that -

“It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it”.

Refusal of Request

Section 17(1) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

Section 17(2) states –

“Where–

- (a) in relation to any request for information, a public authority is, as respects any information, relying on a claim-
 - (i) that any provision of part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or
 - (ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and
- (b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2,

the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an

estimate of the date by which the authority expects that such a decision will have been reached.”

Section 17(3) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

- (a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or
- (b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Section 17(4) provides that -

“A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information.”

Section 17(5) provides that –

“A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.”

Section 17(6) provides that –

“Subsection (5) does not apply where –

- (a) the public authority is relying on a claim that section 14 applies,
- (b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
- (c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.”

Section 17(7) provides that –

“A notice under section (1), (3) or (5) must –

- (a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and
- (b) contain particulars of the right conferred by section 50.”