

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 October 2012

Public Authority: The Governing Body of the University of Bristol
Address: Senate House
Tyndall Avenue
Bristol
BS8 1TH

Decision (including any steps ordered)

1. The complainant has requested information relating to animal testing. The University of Bristol (the 'University') responded to two parts of the complainant's request but refused to respond to the four remaining parts of the request as it said it would exceed the cost limit under section 12 of the Freedom of Information Act (FOIA) to do so.
2. The Commissioner's decision is that the University has correctly applied section 12 FOIA in this case.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 3 April 2012, the complainant wrote to the University and requested information in the following terms:
 - "1. I request to know does the university of Bristol carry out animal testing.
 2. I request to know how many animals were used in experiments inside Bristol University between 1st of January 2011 and 1st of January 2012.
 3. How many animals were held for use in experiments inside Bristol University between 1st of January 2011 AND 1st of January 2012 (if this differs from the above).

4. I request to know the type of animals kept or used for experiments between those dates. I request to know what these experiments were.
 5. I request to know the Home Office licence classification for these experiments in terms of pain, lasting harm, etc. if classified.
 6. I request to know if the animals used were for medical or non medical research."
5. The University responded on 3 May 2012. It answered the first and final part of the request but refused to respond to answer parts 2,3, 4 or 5 of the request as it said that it would exceed the cost limit under section 12 FOIA to do so.
6. Following an internal review the University wrote to the complainant on 18 May 2012. It upheld its original position.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
8. The Commissioner has considered whether section 12 FOIA was correctly applied to parts 2, 3, 4 and 5 of the request.

Reasons for decision

9. Section 12 of FOIA states 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."
10. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Regulations") sets the appropriate limit at £450 for the public authority in question. A public authority can charge a maximum of £25 per hour for work undertaken to comply with a request which amounts to 18 hours work in accordance with the appropriate limit set out above. If an authority estimates that complying with a request may cost more than the cost limit, it can consider the time taken in:
 - (a) determining whether it holds the information,

- (b) locating the information, or a document which may contain the information,
 - (c) retrieving the information, or a document which may contain the information, and
 - (d) extracting the information from a document containing it.
11. To determine whether the University applied section 12 of the FOIA correctly the Commissioner has considered the submissions it provided on 20 August 2012.
 12. The University explained that it holds a number of Home Office ASPA licences relating to research and teaching involving animals. It said that this number fluctuates depending on how much research and teaching is currently going on but generally does not fall below 60. It said that these licences are held by individual University members of staff who are responsible for their compliance with the terms of their licence and they are also responsible for making returns to the Home Office in relation to the work they conduct. It explained that there is no central University record of the information stored within the licences relating to the types or numbers of animals used or the classifications of the experiments.
 13. The University said that each licence has an overall severity classification but also usually has multiple protocols, each of which will have a separate severity classification. It said that an average licence will have 4 or 5 protocols attached to it. It explained that as the request relates to 'experiments', each individual protocol would need to be checked to see if it fell within the timescale of the request and to determine the types and numbers of animal and its severity classification.
 14. The University said that in its initial response, it estimated the time/cost implications as follows:

"The University holds between 80 and 100 ASPA licences but these licenses are held by individual members of staff and the information relating to these licences is not recorded centrally. It is estimated to take around 20-30 minutes per licence to retrieve the relevant information, so even a conservative estimate of the work will exceed to section 12 limit ($80 \times 20 = 1600$, $1600/60 = 26.7$ hours)."
 15. It said that having discussed this request further with the relevant department, it has established that it currently has 67 licences and a more detailed calculation was estimated as:

- 5 minutes per licence to check if it was valid during the period and to request the information from the licence holder ($67 \times 5 = 335$ minutes).
 - Licence holder to take around 5 minutes per protocol to check if it had been used in the requested time period, and confirm the animals involved and severity classification of each protocol and report that information back to a central point ($67 \times 5 \times 4 = 1340$ minutes). The 4 being the estimated average number of protocols per licence.
 - A further 30 minutes to collate the figures into a comprehensible format for the requester.
16. It then gave the following calculation, $335 + 1340 + 30 = 28.4$ hours.
17. While it said that a sampling exercise had not been conducted it confirmed that the estimate was based on the quickest method of gathering the requested information.
18. The Commissioner considers that due to the number of licences which the University would be required to review and because there are on average 4 protocols attached to each licence it would vastly exceed the £450 cost limit to comply with this request.
19. The Commissioner therefore considers that section 12 was correctly engaged in relation to parts 2-5 of this request.

Right of appeal

20. 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,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

21. 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.
22. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
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