

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 April 2013

Public Authority: HM Revenue & Customs (HMRC)
Address: 100 Parliament Street
London
SW1A 2BQ

Decision (including any steps ordered)

1. The complainant has requested information about the use of premium rate phone numbers by HMRC and the revenue generated from the use of these numbers. HMRC provided some general information about the use of 0845 numbers but stated the specific information requested was not held.
2. The Commissioner's decision is that HMRC has complied with section 1(1) of the FOIA and that no information is held.

Request and response

3. On 14 September 2012, the complainant wrote to HMRC and requested information in the following terms:
"To contact the HMRC a member of the public must use a premium rate telephone number. I would like to know: How much gross revenue has been generated since the introduction of the premium rate numbers. Who benefits from this revenue and to what extent in monetary terms."
4. HMRC responded on 5 October 2012 and provided some general information on the different ways of contacting HMRC. It stated that it received no revenue from the use of 0345 and 0845 numbers but that the service provider received a proportion of the call costs borne by customers. HMRC further explained this cost is factored into its contracts with its telephone service provider but it did not hold information on the amount of revenue generated as this depended on call volumes.

5. Following an internal review HMRC wrote to the complainant on 12 October 2012. It stated that it considered it had responded appropriately to the complainant's request by confirming it did not hold information on the amount of revenue generated from the use of premium rate numbers.

Scope of the case

6. The complainant contacted the Commissioner on 15 October 2012 to complain about the way his request for information had been handled. The complainant raised a number of issues with HMRC's responses; in particular that he did not consider HMRC had answered his questions and that the Contracts team in HMRC should have access to information to answer his questions.
7. The Commissioner considers the scope of his investigation to be to determine if HMRC holds any information within the scope of the request.

Reasons for decision

8. Section 1(1)(a) of the FOIA states 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,"

9. The Commissioner has considered whether HMRC has complied with this section of the FOIA in stating that it did not hold information to answer the complainant's questions. In doing so he notes that the complainant asked two distinct questions:

(1) How much gross revenue has been generated since the introduction of the premium rate numbers.

(2) Who benefits from this revenue and to what extent in monetary terms.

10. In determining whether a public authority holds the requested information the Commissioner considers the standard of proof to apply is the civil standard of the balance of probabilities. In deciding where the balance lies in cases such as this one the Commissioner may look at:

- Explanations offered as to why the information is not held; and
 - The scope, quality, thoroughness and results of any searches undertaken by the public authority.
11. The Commissioner wrote to HMRC to ascertain what searches it had carried out to determine that the information requested was not held. When writing to HMRC the Commissioner asked it to explain why the information on how much gross revenue was generated was not held in light of the response by HMRC which indicated this was factored into the contract with the service provider. The Commissioner also asked HMRC to confirm if its Contracts team would hold any information on gross revenue.
 12. HMRC clarified it does not use premium rate numbers which traditionally operate on numbers beginning 09, 118 or 0871 but uses numbers which begin 0845 and 0345. HMRC had previously stated that as is the case across the phone industry, it did not receive any revenue from the use of these numbers but a proportion of revenue from the call costs borne by customers would be received by the telephone service provider.
 13. In light of this response the Commissioner is satisfied that HMRC does not receive any revenue from the use of the 0845 and 0345 numbers but the request was for information on gross revenue generated and who benefits from this and whilst HMRC itself may receive no revenue the Commissioner has considered whether HMRC hold information on who does receive revenue and how much.
 14. In its initial responses to the request, HMRC explained to the complainant that the service provider received some revenue and that this was factored into the contract with the service provider. The complainant raised concerns therefore that the Contracts team within HMRC should have access to information to answer his request. The Commissioner asked HMRC for further information on this point and to establish what steps had been taken to contact the Contracts team.
 15. In response, HMRC explained the structure of the contract does not give it access to information on revenue generated from the use of the 0845 and 0345 numbers. However, HMRC did contact its Contracts team to see if any information was held on the revenue received by the service provider from the use of these telephone numbers. HMRC has again reiterated that its Contracts team does not hold any information on the amount of revenue generated but did contact the service provider to request sight of this information. The service provider refused to provide this information as it considered this information to be confidential.

16. The complainant had raised concerns about HMRC's statement that a *proportion* of call costs borne by customers are received by the service provider, suggesting therefore that other parties are benefitting from the costs paid by callers to these numbers. The Commissioner does not consider this to be evidence to suggest HMRC holds any information as it has already stated it does not receive revenue from the use of the 0845 and 0345 and it is possible other parties do but there is no reason to believe HMRC would hold information on this based on the evidence presented to the Commissioner.
17. On balance the Commissioner considers HMRC has answered the complainant's request by confirming it does not hold information on the revenue generated by the use of 'premium rate numbers' and who benefits from any revenue. The Commissioner accepts that as HMRC itself does not benefit from the use of these numbers it is not likely to hold any information on who does benefit and how much revenue is generated.
18. Taking into account all of the above, the Commissioner therefore considers that HMRC complied with section 1(1)(a) of the FOIA.

Right of appeal

19. 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

20. 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.
21. 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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