

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 January 2017

Public Authority: University of Bolton
Address: Deane Road
Bolton
BL3 5AB

Decision (including any steps ordered)

1. The complainant requested details of travel expenses incurred by the University of Bolton ("the University") in relation to four named staff over a five year period. The University refused to comply with the request under section 12(1) of the FOIA. The complainant subsequently contested the University's refusal.
2. The Commissioner's decision is that the Council has correctly applied the exclusion provided by section 12(1).
3. The Commissioner does not require the University to take any steps.

Background to the request

4. The complainant's request, the subject of this decision notice, is dated 11 June 2015. The University initially refused to respond to the request on the basis that it was considered to be vexatious. The Commissioner issued a decision notice on 6 January 2016 upholding the University's decision:

https://ico.org.uk/media/action-weve-taken/decision-notices/2016/1560452/fs_50596077.pdf

5. The complainant appealed the Commissioner's decision and the matter was considered by the First-Tier Tribunal on 4 July 2016, when it was decided that the request was not vexatious. The Tribunal issued a substituted decision notice requiring the University to provide a response within 35 days of the Tribunal decision:

<https://tinyurl.com/j84mdsl>

Request and response

6. On 11 June 2015, the complainant wrote to the University and requested information in the following terms:

Please provide the following information for the period 2010-2015

- 1. Destinations travelled on University of Bolton Account.*
- 2. Purpose of each visit.*
- 3. Cost of travel, subsistence and accommodation paid to each person and their companions.*

The above information is required for:

Mr [REDACTED]
Mr [REDACTED]
Mr [REDACTED]
Mr [REDACTED]

[names redacted]

7. The University responded on 17 August 2016. It refused the request as worded under section 12(1).
8. The University did however provide the complainant with a summary of expenses incurred by each named member of staff for each year requested, which information was held in a recorded and readily accessible form and did not incur costs exceeding the appropriate limit. The complainant was informed that the University has a Business Travel and Expenses Policy which provides clear and comprehensive information to staff on the reimbursement of actual costs and expenses incurred wholly, exclusively and necessarily in performing business activities for the benefit of the University.
9. Following an internal review the University wrote to the complainant on 26 September 2016 upholding the University's initial response.

Scope of the case

10. The complainant contacted the Commissioner on 28 September 2016 to complain about the way his request for information had been handled and asked the Commissioner to encourage the University to respond to his request fully.

11. The Complainant also raised issues regarding the accuracy of the information supplied to him by the University on 17 August 2016. The Commissioner has no remit to consider the accuracy of information supplied.
12. The Commissioner considers the scope of this case to be limited to the determination of whether the Council has correctly applied section 12(1) of the FOIA.

Reasons for decision

13. 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.

14. 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. Under the Regulations, a public authority may charge a maximum of £25 per hour for work undertaken to comply with a request. This equates to 18 hours work in accordance with the appropriate limit set out above.

14. A public authority is only required to provide a reasonable estimate or breakdown of costs and in putting together its estimate it can take the following processes into consideration:

- determining whether it holds the information;
- locating the information, or a document which may contain the information;
- retrieving the information, or a document which may contain the information; and
- extracting the information from a document containing it.

15. In his complaint to the Commissioner the complainant argued that:

"The information required to answer my question, is readily available from one document, in respect of each person named.

Staff undertaking international travel in university business are required, for each visit, to complete a notice to travel form to the finance office, before they leave for the journey. This important document triggers, university insurance cover for the individual member of staff, if it is not

completed the person is not insured by the university. The form requires each staff member to:

- 1. Record destination/s being visited.*
- 2. Provide date of departure and date of return journeys.*
- 3. State purpose of visit.*
- 4. State any request for advance funds to cover 'subsistence cost' etc. What currency was required. On return from international visit the member of staff would be required to present receipts for any expenditure and sign off any balance. The document is then held in the finance department.*

Therefore, to respond fully to my question, by answering each part of the question is readily accessible and available."

16. In its response to enquiries made by the Commissioner, the University stated that the information already provided to the complainant was extracted from the University employee reimbursement electronic payroll records. The Commissioner understands that this information will relate only to expenses incurred personally by the staff member involved and which has been subsequently been reimbursed, and will not contain any information relating to travel expenses incurred directly by the University.
17. The University went on to explain that the information sought by the complainant, as worded in his request, is not contained in a single document, but within several documents.
18. It informed the Commissioner that costs and payments for travel related expenses made by the University only appear as payments to the external service provider and do not show the staff member's name that the purchase relates to without looking at each separate transaction.
19. As a result the University explained that each recorded transaction for each supplier for each year requested would need to be searched. It advised that travel booked by a third party by using a purchasing card or issuing a purchase order will only show the supplier name and not the staff member to which the transaction relates. The relevant supplier(s) will also need to be determined.
20. In response to the argument raised by the complainant in his correspondence with the Commissioner, the University explained that the "Notification of Intent to Travel outside the UK" is a form completed primarily for insurance purposes. In any event the University states that it does not hold this information as it is not a financial record required to be retained by the finance department, and is not retained after the staff member returns from travel.

21. The University has explained that in some cases there will be an advance of expenses involved, with staff completing a separate expenses claim form on return from the trip. This form does not record costs of travel and subsistence if these were paid in advance by the University.
22. The University has advised the Commissioner that the information requested, if held, is stored in paper files with records stored in date order and not by employee name.
23. The University has provided the Commissioner with an estimate of the number of records to be examined for the period 1 January 2010 – 31 December 2015 as follows:

- Purchasing card and credit card logs 4000
- Staff expense claim forms 288 (maximum)
- Relevant invoices 1000

To examine each record it has been estimated that it would take:

- Purchasing card and credit card logs @ 2 mins each = 133.33 hours
- Staff expenses claim forms @ 1 min each = 4.8 hours
- Invoices @ 1 min each = 16.66 hours

One hour per year locating, retrieving, extracting and bringing records from basement archives = 6 hours

Total estimated time = 160.79 hours @ £25.00 per hour = £4,019.75

The Finance department has estimated that it would take a minimum of two members of staff to undertake this exercise.

24. The University explained to the Commissioner that in order not to exceed the appropriate cost limit the information provided to the complainant in it's response to him was that information which was readily accessible. The University did so in order to be helpful and in circumstances where it was entitled to refuse the request as worded in it's entirety.
25. Following the University's response to the Commissioner's enquiries the Commissioner asked the University to further clarify how it had estimated the number of records to be searched and the time estimated to check each record. The Commissioner also enquired why the University was required to examine invoices in order to locate the requested information.

26. The University, in its response, confirmed that in relation to purchasing card and credit card logs the figure has been calculated by the number of credit card statements per year (12 statements per card) per cardholder (67 cardholders) for each year (5 years). That amounts to $12 \times 67 \times 5 = 4020$ statements. The reduced figure of 4000 takes into account the reduction in cardholders due to staff departures. The number of logs referred to in its response to the Commissioner relates to the number of statements to be checked.
27. Furthermore, the University explained to the Commissioner that the invoices are from a number of different travel suppliers that provide various travel related services to the University. The invoices do not relate to credit card or purchase card transactions but to purchase orders raised. Staff will have to identify each relevant invoice from files holding approximately 10,000 invoices.
28. The University confirmed that it undertook a sampling exercise and that the time estimates provided in its response to the Commissioner's initial enquiries were conservative. Estimate times were rounded down to the nearest minute. The actual estimated times were:

Purchasing card and credit card statements	@ 2 minutes 45 seconds
Staff expense claim forms	@ 1 minute 20 seconds
Invoices	@ 1 minute 15 seconds
29. The Commissioner further asked the University to clarify whether it is possible to identify from each credit/purchase card statement which card holder it relates to in order to establish whether the number of statements to be checked could be reduced to those which could be identified as relating to the individual staff members named in the request.
30. The University advised that it is possible to identify which cardholder each statement relates to, with all statements filed by calendar month. Two of the individuals named by the complainant in his request hold a purchasing card. However, travel for all four named individuals could have been booked by any number of the other University cardholders. Therefore the number of statements to be checked cannot be reduced to only those which relate to the individuals named in the request.
31. The Commissioner accepts that the information which falls within the scope of the request, as worded, cannot be retrieved from a single source as alleged by the complainant and can only be ascertained by examining numerous records as detailed by the University. The Commissioner agrees that the information requested by the Complainant can only be obtained by checking credit card and purchase invoices (which contain information relating to expenses paid directly by the

University), staff expense claim forms (which contain information relating to reimbursement of expenses paid by individual staff members), and invoices from different external travel suppliers (which contain details of other travel related purchases unrelated to credit card/purchase card transactions).

32. On the basis of the above the Commissioner does not accept that the information requested can be located solely from the "Notice of Intent to Travel outside the UK" form as alleged by the Complainant as this contains information relating only to expenses paid personally by staff members, and only in some, not all cases. The Commissioner accepts the University's calculations in relation to the cost of complying with the request and agrees that the cost of compliance would exceed to appropriate limit prescribed by the FOIA.
33. On this basis the Commissioner is satisfied that the University has correctly applied section 12(1) to the complainant's request.

Right of appeal

34. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

35. 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.
36. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Reference: FS50648554



Signed

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