

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 November 2011

Public Authority: Post Office Ltd
Address: Finsbury Dials
20 Finsbury Street
London
EC2Y 9AQ

Decision (including any steps ordered)

1. The complainant made a freedom of information request to the Post Office Ltd for copies of guidance or instructions it gives to Agents regarding the services they provide to the public. The Post Office initially refused the request under the section 43(2) (commercial interests) exemption but during the course of the Commissioner's investigation changed its position and applied section 12(1) (cost exceeds appropriate limit).
2. The Commissioner's decision is that the cost of complying with the request would exceed the appropriate limit and section 12(1) was correctly applied. The Commissioner requires no steps to be taken.

Request and response

3. On 25 January 2017 the complainant submitted a freedom of information request to the Post Office which read as follows:

"I would be grateful to receive copies of the Guidance or Instructions that the Post Office give to Agents in connection with the services the latter are expected to provide to the public."
4. The Post Office responded on 22 February when it confirmed that it held the requested information but that it was considered exempt under section 43(2) of FOIA (commercial interests). It concluded that the

public interest in maintaining the exemption outweighed the public interest in disclosure.

5. The complainant subsequently asked the Post office to complete an internal review and it presented its findings on 22 March 2017. The review upheld the initial response to the request.

Scope of the case

6. On 10 April 2017 the complainant contacted the Commissioner to complain about the way his request for information had been handled.
7. At this stage the Commissioner agreed with the complainant that the scope of her investigation would be to consider whether the Post Office had correctly applied the section 43(2) exemption to refuse the request.
8. During the course of the Commissioner's investigation the Post Office explained that it had changed its position and was now applying section 12(1) of FOIA on the grounds that the cost of complying with the request would exceed the appropriate limit. The Post Office said that it could not provide all of the information falling within the scope of the request within the appropriate limit. However, where it had identified information falling within the scope of the request it maintained that this was exempt under section 43(2). In addition, it said that the exemptions in section 38 (Health and Safety) and section 31 (Law enforcement) would also apply to some of the withheld information. The Commissioner has first considered whether section 12 applies before going on to consider whether any other exemption is engaged. If a public authority estimates that it would exceed the appropriate limit to comply with the entirety of the request it is not obliged to comply with any of the request, even if it has identified some relevant information.
9. When considering a public authority's application of section 12(1) the Commissioner will usually go on to consider whether it ought to have provided advice and assistance to the applicant to help them refine their request, in accordance with section 16. Given that the Post Office had not originally applied section 12(1) to the request it has not provided advice and assistance to the applicant on how his request could be refined. However, it now said that having had the opportunity to reflect on this, it accepted that it could have provided more information to the complainant about the scope of his request, and some suggestions as to how he may refine it further. It said that it was difficult to say whether the request could in fact be brought to a level which would allow compliance within the appropriate limit, as being able to do so will

depend on the type of instructions and guidance requested. However, in compliance with its section 16 obligation, it said that it would write to the complainant to provide an indication of how he could refine his request to potentially bring compliance within the appropriate limit, subject to any exemptions which may apply to certain material. In light of this the Commissioner does not intend to consider section 16(1) as part of this notice.

Reasons for decision

Section 12 – Cost of compliance exceeds the appropriate limit

10. Section 12(1) provides that a public authority is not obliged to comply with a request if it estimates that the cost of complying with that request would exceed the appropriate limit. The appropriate limit for public authorities outside of central government is £450.
11. In estimating the costs it expects to incur in complying with a request a public authority is allowed to charge the following activities at a flat rate of £25 per hour of staff time:
 - determining whether the information is held;
 - 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.
12. In this case the Post Office confirmed that it was applying section 12(1) because it considered that determining the full scope of the relevant information it holds, and locating, retrieving and extracting it would substantially exceed the £450 cost limit (which equates to 18 hours of staff time).
13. The Post Office explained that the information requested by the complainant was extremely broad because there is no one single guidance or instructions 'pack' which it could identify as being the only information within the scope of the request. Rather, the instructions and guidance are provided in many different ways, it said. It explained that these were in the form of hard copy documents, on site (branch) and off-site (classroom) training and online training modules, via Horizon (Post Office's electronic point of sale system) on-line help, and "Branch Focus". It added that ad-hoc and "on-demand" guidance is also provided

in response to specific requests from individual postmasters, for example when they ring its helpline.

14. The Post Office had provided the Commissioner with a list of categories of information which it had been readily able to identify as falling within the scope of the request. However, this was not an exhaustive list because it considered there to be other instructions and guidance which it had not included in that list and which it had still not precisely identified. The Post Office has asked the Commissioner not to reproduce this list in her decision notice as it considers that disclosure of the list could in itself be damaging.
15. Based on the list of information it had identified, the Post Office said that it had found that a substantial part of the guidance and instructions which the complainant had requested was provided via "Horizon On-line Help" (HOLH). Therefore, it said that it had started by looking at HOLH when estimating the cost of compliance in terms of locating, retrieving and extracting information from that system.
16. The Post Office explained that HOLH provides operational information about how to run a Post Office branch and is accessed via a Horizon Terminal or the Post Office internal intranet. It said that it was first introduced in 2008/09 as an online replacement to operating manuals and has within it 10 different sections, with over 1,500 subsections, and approximately 12,000 pages. To access any single page of content, requires the user to click through between 3 and 8 pages, it said.
17. The 10 different sections within HOLH are as follows:
 1. Christmas 2017 (4 subsections)
 2. Postal Services (16 subsections)
 3. Banking & Financial Services (11 subsections)
 4. Travel (6 subsections)
 5. Licenses and Government (6 subsections)
 6. Telephony (5 subsections)
 7. Retail (11 subsections)
 8. Local Schemes (6 subsections)
 9. Other help (Including Security) (11 subsections)
 10. Back Office (9 subsections)
18. The Post Office said that because the complainant's request does not focus on a particular date or type of 'guidance' or 'instruction', HOLH in its entirety would fall within the scope of his request. Having identified and located this body of information, the Post Office explained that the "deeply time consuming aspect of compliance" is then in the retrieving and extraction of this information from the HOLH system. It said that it

was aware that it could not take into account, for the purposes of estimating the cost of compliance, the time that would be required to provide copies of requested information to requesters, nor the time taken to consider and make redactions.

19. The Post Office went on to say that although a copy of HOLH could in theory be provided, it was not possible to do so without first retrieving the information from HOLH and extracting it into a format which could then be printed or sent electronically to a requester. It provided the Commissioner with an explanation and calculations as to the activities and time it estimates would be required to retrieve and extract the information. The Commissioner has repeated this below.

To retrieve the information would involve having to retrieve the information from each individual page. There is no functionality within HOLH that allows the user to download the entire content, 'print all' or even print or download on a section by section or subsection by subsection basis. Rather, each individual page has to be clicked into.

We have therefore described below our calculations in terms of retrieving and extracting the information into a PDF format, which we consider to be the most reasonably practicable way to provide [the complainant] with a copy of HOLH in its entirety.

However, the functionality available on HOLH to create PDFs is only marginally better than the functionality available to retrieve printable content. Although 'PDF all' does not exist, a user can PDF content on a subsection by subsection (rather than a page by page) basis.

To create a PDF of the contents of a subsection within HOLH requires the following steps to be taken:

- a. Select the appropriate section by navigating to it through the folder hierarchy;*
- b. Open the relevant subsection, within the relevant section;*
- c. Select all of the files that are located within the relevant subsection, within the relevant section;*
- d. Run 'PDF Creator' software;*
- e. Then 'combine' the separate files and order them sequentially – this is not done automatically at the point of creation.*

To assess how long it would take to produce PDFs for each subsection within HOLH, Post Office has undertaken the step by step process detailed above for the 'National Lottery' subsection within the 'Retail' section. The 'National Lottery' subsection was chosen at random but

owing to the size of the folder (c 150 pages) it is thought to be of a moderate size.

The first attempt to create a PDF of the 'National Lottery' folder took Post Office 20 minutes before the system crashed. The second attempt was successful and took 23 minutes to complete.

'Combining' the files then took a further 4 minutes. Ordering the files sequentially took a further 20 minutes.

Thus, the total amount of time taken to actually create a usable PDF of the 'National Lottery' subsection, even excluding the first unsuccessful attempt and the ordering the files, was 23 minutes.

Scaling this up, across the remaining c1,499 subsections, assuming that some would take less time, but equally some would take more would mean that it would take 34,477 minutes or 575 hours to retrieve and extract the information in HOLH in its entirety.

20. The Commissioner has asked the Post Office to confirm that its estimate has been based upon the quickest method of gathering the requested information and it confirmed that it was.
21. In light of the above, the Post Office estimated that the cost of compliance in terms of locating, retrieving and extracting the information within HOLH **only** would take the cost over the appropriate limit. This is in addition to the cost involved in locating, retrieving and extracting any of the other information in the list the Commissioner referred to in paragraph 14 and any further information which it had not yet identified and which would fall within scope of the request. Given the above estimate for HOLH information alone, which far exceeds the appropriate limit, it said that it did not consider it necessary to go further in estimating the cost of compliance in terms of any of this additional in-scope information.
22. The Commissioner has considered the Post Office's explanation of what information it holds and the costs involved in locating, retrieving and extracting this information. The Commissioner has concluded that due to the broad nature of the complainant's request the cost of compliance would significantly exceed the appropriate limit of £450.
23. The manner in which the requested information is held and the way in which that information is structured means that it is a very time consuming process to retrieve and extract the information it does hold. The Commissioner accepts that the Post Office's description of the time it would need to retrieve and extract information just from the HOLH

system alone is realistic, sensible and was arrived at only after a thorough sampling exercise. The Commissioner is also satisfied that the Post Office only took relevant costs into account.

24. The Post Office estimates that the cost of extracting and retrieving information from the HOLH system would take 575 hours. This would be in addition to the cost of providing the other information which the Post Office has identified and the time that would be needed to identify further information falling within the scope of the request. Given that the request is very wide ranging it is likely that a significant amount of further information would fall within the scope of the request and that therefore the true cost of compliance will exceed the 575 hours estimate.
25. For these reasons the Commissioner finds that the cost of complying with the request would greatly exceed the appropriate limit and that section 12(1) of FOIA was correctly applied.

Right of appeal

26. 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

27. 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.
28. 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

Paul Warbrick
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