

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 07 November 2017

Public Authority: Manor Park CE (VC) First School
Address: Mellstock Avenue
Dorchester
Dorset
DT1 2BH

Decision (including any steps ordered)

1. The complainant has requested information sent to parents. The Manor Park CE (VC) First School (the School) says it is not obliged to comply with the request under section 12(1) of the FOIA, as it would exceed the appropriate cost and time limit to do so.
2. The Commissioner's decision is that the School is not obliged to comply with the request under section 12(1) and is satisfied that the School met its obligation under section 16 to offer advice and assistance. The Commissioner does not require the public authority to take any steps.

Request and response

3. On 5 April 2017 the complainant made a 9-part request for information. Some of the request was handled under the Data Protection Act as the requested information comprised the complainant's/his children's personal data. The remaining questions were considered under FOIA:

'6. Any text messages alerts that have been sent to parents who's children have been in the same class as either [redacted name 1], or [redacted name 2] since they started attending Manor Park in their Reception year, up to and including this term.

7. How many school trips have my children attended since they started attending Manor Park in their Reception year, up to and including this term, whereby parents have been invited to volunteer to attend/assist, including copies of the correspondences to parents and the means by which they were sent.

9. Copies of any information that have been sent to parents of children who have attended the same classes of [redacted names 1 and 2] since they started attending Manor Park in their Reception year, up to and including this term, that I myself have not had sight of.'

4. On 9 May 2017 the School responded that it did not hold the information.
5. The complainant requested an internal review on 11 May 2017.
6. On 26 June 2017 Dorset County Council provided an internal review on behalf of the School. It explained that the School did not keep copies of text alerts (Q6), provided the number of trips attended (Q7) and explained that to attempt to provide all the information at Q9 (even if the complainant was able to provide all the information he already held) would exceed the cost threshold of £450 and therefore refused to provide the requested information citing Section 12 of FOIA.

Scope of the case

7. On 21 August 2017, the complainant contacted the Information Commissioner to complain about the way the requests for information had been handled.
8. During the Commissioner's investigation the School revised its position and was able to provide the complainant with text messages from April 2015 (Q6) and provided the template letters for the school trip correspondence (Q7). The Commissioner advised the complainant that she considered that the School had now disclosed the outstanding withheld information at Q6 and Q7 and complied with FOIA for these parts of the request.
9. The complainant agreed with this on 25 October and therefore, the Commissioner's investigation has focussed on whether the School correctly applied section 12 to the outstanding part of the request at Q9. She has also considered whether the School met its obligation to offer advice and assistance, under section 16.

Reasons for decision

Section 12 – cost exceeds the appropriate limit

10. Section 12 of the FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to:
 - either comply with the request in its entirety, or
 - confirm or deny whether the requested information is held.
11. The estimate must be reasonable in the circumstances of the case. The appropriate limit is currently £600 for central government departments and £450 for all other public authorities. Public authorities can charge a maximum of £25 per hour to undertake work to comply with a request; 18 hours work in accordance with the appropriate limit of £450 set out above, which is the limit applicable to the School.
12. 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.
13. Where a public authority claims that section 12 of the FOIA is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16 of the FOIA.

Would the cost of compliance exceed the appropriate limit?

14. As is the practice in a case such as this, the Commissioner asked the School to confirm if the information is held, and if so, to provide a detailed estimate of the time/cost taken to provide the information falling within the scope of this request.
15. In its submission to the Commissioner the School explained that the *'information that we share with parents is wide ranging and will come from a variety of sources...year groups, subjects, whole school'* and *'...we would not be able to guarantee that all information has been kept as*

files and emails are deleted on a regular basis as some information is not required to be retained for a long period of time'.

16. In response to the Commissioner's questions the School underwent 2 exercises:
 - The School asked different roles within the School to make a list of the type of information that is shared with parents. This amounted to 49 different types of documents.
 - The School then performed a sampling exercise for 3 different sets of information.
17. The School provided the Commissioner with a detailed result of the sampling exercise for the 3 different sets of information for the period September 2014- April 2017 which is summarised as:
 - Topic leaflets, 5 class teachers, total time 3 hours 05 minutes
 - Workshops, all class teachers, total time 7 hours 33 minutes
 - Parent consultation letters, office, 10 minutes
18. The sample of 3 out of the 49 forms of documentation equates to a total of 10 hours 48 minutes.
19. Given the specific information requested, (*Copies of any information that have been sent to parents...that I myself have not had sight of*) the Commissioner accepts that there would be an additional exercise to cross reference and remove what the complainant had already received.
20. Therefore, the Commissioner accepts that the School would take more than the 18 hour limit to respond to the request as phrased. She is therefore satisfied that the School is correct to apply section 12(1) to the request.

Section 16(1) – The duty to provide advice and assistance

21. Section 16(1) of the FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45

code of practice (the "code")¹ in providing advice and assistance, it will have complied with section 16(1).

22. The Commissioner notes that the School has suggested in its internal review that the request could not be answered unless the School is made aware of which information has already been seen by the complainant. The School stated its understanding that the complainant was already on the distribution list for emails/texts and that newsletters are ordinarily published on the website. The Commissioner is satisfied that the School has attempted to consider ways to help provide a response to the request and has therefore complied with section 16.

¹ <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-ofpractice.pdf>

Right of appeal

23. If 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

24. 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.
25. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF