

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 January 2022

Public Authority: Information Commissioner's Office (ICO)
Address: Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Note

This decision notice concerns a complaint made against the Information Commissioner ('the Commissioner'). The Commissioner is both the regulator of the FOIA and a public authority subject to the FOIA. She is therefore under a duty as regulator to make a formal determination of a complaint made against her as a public authority. It should be noted, however, that the complainant has a right of appeal against the Commissioner's decision, details of which are given at the end of this notice. In this notice the term 'ICO' is used to denote the ICO dealing with the request, and the term 'Commissioner' denotes the ICO dealing with the complaint.

Decision (including any steps ordered)

1. The complainant has requested all the information held by the ICO that guides the ICO's interpretation of any aspect of "Schedule 12A of the Local Government Act (LGA) 1972". The ICO refused to comply with the request citing section 12 of FOIA.
2. The Commissioner's decision is that the ICO is entitled to rely on section 12(1) of the FOIA in this case. He therefore does not require any further action to be taken.

Request and response

3. On 21 December 2020, the complainant wrote to the ICO and requested information in the following terms:

“REQUEST

I am seeking access ALL information held by the ICO that guides the ICO's interpretation of ANY aspect of "Schedule 12A of the Local Government Act (LGA) 1972".

Note: Schedule 12A of LGA deals with the Public Interest Test that needs to be completed before a local council can make an Agenda item "exempt" from the default position of full transparency (i.e. it allows the Council to exclude the public from attending physical or virtual discussions on an exempt agenda item and also excludes the public from access to documents prepared for that exempt agenda item)

CONTEXT

To expand on the above, information held by ICO on this topic of "Schedule 12A of LGA" can be classified as: ICO Public Facing, ICO Decision Notices and ICO Internal:

1) ICO Public Facing. As far as I am aware, the only public-facing document that references Schedule 12A is the document: "eir confidentiality of proceedings.pdf". I have a copy of this Email Freedom of Informa... Page 1 of 4 17/03/2021 document but wish to know if there are other public-facing documents I may have missed.

2) ICO Decision Notices. As far as I am aware, the ICO's website search functionality does not provide the ability to free text search for the term "Schedule 12A" across all DNs (or even across the whole ICO website). Please correct me if I am wrong. I therefore used the Google advanced search functionality using the "site:" search modifier to identify some 24 hits for "Schedule 12A" across those aspects of the ICO website indexed by Google

(site:https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2F&data=04%7C01%7Cicoaccessinformation%40ico.org.uk%7C8464ee55fa4b47f395db08d8a5ab0d7c%7C501293238fab4000adc1c4cfefba21e6%7C1%7C0%7C637441501368559960%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=Kh5bW1cTkBpOnDacqY3bJ6q4r5ZIVCNFuPOSqn5pzfs%3D&reserved=0 "schedule 12a"). Under this heading, I am

seeking a list of all ICO DNs that include the text "Schedule 12A", alternatively confirmation that the listed Google site search has identified all relevant DNs.

3) ICO Internal (i.e. not published on the ICO's website) [IMPORTANT]. This is the most relevant of the 3 heading. It may be helpful to understand that this information request is triggered by reading Paras 20 - 26 of the ICO's Decision Notice: FER0689972, and specifically the wording in para 23: "following her own guidance". I interpret the reference to "following her own guidance" to mean that the ICO has internal guidance notes that are not yet public-facing. I draw this conclusion because the Para 20 - 26 cannot be justified by reference to the single public-facing document that I have seen (i.e. "eir confidentiality of proceedings.pdf"). I therefore assume that the ICO must hold internal (non-public) documents on this "Schedule 12A" topic."

4. The ICO responded on 22 January 2021. It refused to comply with the complainant's request citing section 12 of FOIA. Under section 16 of FOIA the ICO outlined how the complainant could narrow down the scope of his request to enable it to comply within the cost limit.
5. The complainant requested an internal review on 22 January 2021. He requested the ICO to specifically address item 3 of his request and process an internal review in relation to its response to items 1 and 2. With regards to items 1 and 2, the complainant is of the view that the information can easily be answered by using keyword searches using standard IT systems.
6. The ICO responded on 19 February 2021. It upheld its application of section 12 to items 1 and 2 and provided a further response to item 3.

Scope of the case

7. The complainant contacted the Commissioner on 23 March 2021 to complain about the way his request for information had been handled. He stated that the ICO breached section 10 of FOIA by failing to respond to his request within 20 working days of receipt. He also disagrees that section 12 of FOIA applies to item 2 of his request and considers the ICO is capable of responding to this part of his request within the cost limit (the complainant suggested a few ways this could be done and these are contained in an annex attached to this notice). He stated that the ICO had failed to provide a 'reasonable' estimate based on the existing capabilities of the ICO. The complainant has also alleged that the ICO has breached sections 16, 45 and 46 (Para 9.3.b) of FOIA too.

8. The Commissioner understands that the ICO responded to items 1 and 3 of the request and the complainant's ongoing complaint is with regards to item 2 and the ICO's application of section 12 of FOIA. The Commissioner's investigation has therefore focussed on item 2 only, the application of section 12 of FOIA and whether there have been any procedural breaches of the legislation.

Reasons for decision

Section 12 – cost limit

9. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b) to have the information communicated to him or her if it is held and is not exempt information.
10. Section 12(1) of the FOIA says that a public authority is not obliged to comply with section 1(1) if the authority estimates that the cost of doing so would exceed the appropriate limit.
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 make a notional charge of 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 ICO.
12. If an authority estimates that complying with a request may cost more than the cost limit, it can consider the time taken to:
 - a. determine whether it holds the information
 - b. locate the information, or a document which may contain the information
 - c. retrieve the information, or a document which may contain the information, and
 - d. extract 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 applicant refine the request so that it can be dealt with under the appropriate limit, in line with section 16(1) of the FOIA.

14. The ICO explained that its website allows for the searching of terms across the website as a whole, as well as allowing for the searching of specific areas of the website. The appropriate limit comes into play when it turns its attention to the catalogue of decision notices.
15. It explained further that it is possible to search this area of the website using a case reference number or by a keyword. This means it is possible to search for a particular public authority or a particular section of the legislation. It also allows for the searching of the summary of the decision notice that is provided on the website. However, when searching for words included within the body of a decision notice, the capacity of the search function is limited. It is not possible to search for a precise word or a particular term within the entirety of a decision notice without having the decision notice itself open.
16. The ICO advised that at the time of the complainant's request not all decision notices were available on the website. Since that time all decision notices have now been published. Its initial response referred to 8500 decision notices that had been published by this point. The ICO's submissions to the Commissioner confirm that there are in fact 14,712 decision notices potentially falling within the scope of this element of the complainant's request.
17. In order to comply with the complainant's request the ICO would be required to open each decision notice individually and search for "Schedule 12A". To search a decision notice it would need to open the pdf file and search for "Schedule 12A" manually. It confirmed that a small sampling exercise was carried out and from this it was established that it would take 45 seconds to check each notice, if it accessed them via the website, which would amount to almost 184 hours, which is clearly over the cost limit of 18 hours. The ICO advised that it would also need to consider that some of the older decision notices would not be searchable and it would have to read them to check that they do not contain the phrase, which would take longer than 45 seconds.
18. The ICO advised that it does not hold the decision notices in a 'structured data repository' which it is able to search electronically. It confirmed that it has explained to the complainant that the decision notices are not held in a central repository which would allow it to electronically search them. It stated that the ICO's Head of FOI Complaints and Compliance has confirmed this to be the case and the complainant has been provided with a copy of that email.
19. To explain further, the ICO said that decision notices are held in the following ways:

- In case files. Decision notices are held on the discrete casework files on its casework system ICE360 and the retention period for case files is two years. Some are held in the ICO's legacy casework system but these are still subject to the same retention period.
 - In tribunal cases. Decision notices which were appealed will be held on Sharepoint in the relevant files. The retention period for these is six years. There is a possibility that these files may be retained for a longer period if they were appealed to the Upper Tribunal/may be considered for transfer to the National Archives under the Public Records Act.
 - The website content management system. All decision notices have now been published on the ICO's website dating back to 2005 when the first notice was issued. Members of the ICO's Communications Team who have access to the content management system via non-networked devices can access decision notices individually but it cannot download them in bulk. The ICO's Digital Architect has explained that it would need Shout, a third party provider, to download the decision notices in bulk to a memory stick. It estimates this would take 0.5 to 1 day to be achieved and this would also be at a cost to the ICO.
 - The ICO website. All decision notice have now been published on its website. This was not the case when the complainant's request was first made and at the time of the ICO's initial response.
20. The ICO went on to say that it does not have access to the pdf copies of the decision notices in a manner that would allow it to run them through software in batches. It then referred to a second request the complainant had made (for which a separate section 50 referral to the Commissioner has been made) and advised that the complainant had asked the ICO to consider searching for the information in a particular way. It confirmed that the ICO's Digital Architect considered how it could OCR (Optical Character Recognition) the decision notices to ensure they were readable and provided the following information including a time estimate:

"If Shout were able to do the above [download the pdf files to a memory stick] and send us the files on memory stick, ICO would need a suitable standalone machine to run the search software. Possibly also a need to copy the files to the machine. ITHelp may be needed to assist with this. To resolve the issue of PDFs not containing readable text my understanding is that the Windows machine would need to have OCR software installed, and that this would need to be added as an extension to the indexing functionality. ITHelp would be better placed to assist

with this. I'd expect the above would take a 1-1.5 days' effort, including researching, seeking approval for, and downloading any applicable software. There may be a cost to licences if we don't hold licences or free licences are not considered suitable, and more time would be needed, I'd estimate an additional 2 days' combined effort."

21. The ICO went on to say that it has spoken to a member of its Communications Team who has explained that each week they receive an email from the FOI Complaints Department containing the decision notices to be added to the website and completed forms which include the information to be added to the content management system which allows people to search for and filter the decision notice on its website. This includes a summary of the decision notice, the public authority, the outcome, any exemptions applied and the date. The decision notices are then uploaded to the content management system and the email sits in the inbox until it is deleted in line with its retention policy (12 months).
22. In conclusion, the ICO has said that it would need to open up each individual decision notice manually and search for the required term to see if that notice fell within scope. Due to the number of notices concerned and the time this would take, it concluded that compliance would exceed the appropriate limit by a substantial margin. For the ICO to be able to search the decision notices in any of the ways the complainant has suggested, it would first require a third party to download all the decision notices in bulk at a cost to the ICO. It does not consider this constitutes a reasonable search. It explained that the ICO's in house Communications Team cannot do this itself. It cannot download in bulk, as the content management system does not have this functionality. They can only, again, access each individual notice and download them one by one, which for the same reasons as manually searching each notice for the required term, would exceed the appropriate limit alone by a considerable margin.
23. Finally, the ICO commented that its Communications Team has undertaken a search of the Funnelback system (Funnelback is the product the ICO uses for its website search functionality) for "12A" and contacted Funnelback to search from their end. Funnelback searched for "Schedule 12A". The ICO stated that it does not believe that these searches satisfy the request as the search function only searches the summary of the decision notices and not the text of the notice itself, as is the case with the search function on the public facing website. The ICO shared these results with the complainant.
24. In further correspondence to the Commissioner, the complainant disputed the ICO's analysis further. He believes the ICO does have a central repository already, in one location and this is the content management system, whether in single folders or a hierarchy of folders,

which can easily be copied. He stated that the decision notices do not exist in individual case files like the ICO's case management system ICE, but instead they are all held in a central location/repository on the content management system. He questioned why the ICO cannot download in bulk and why it is not technically possible to switch that functionality on.

25. In addition he provided evidence of two separate searches he had carried out on the ICO's website which proves that the ICO's own search engine indexed text deep within the body of the document. He believes these two examples prove that the ICO has the technical capacity to index the text within a pdf if it wants to.

26. The Commissioner put these further queries to the ICO and asked it to contact its IT Department. The ICO responded and confirmed that it had made further enquiries to its Digital Architect and their response is:

"the functionality doesn't exist. While the DNs may be held in a central location on the server, we don't have access to them in that way – they're only accessible individually, ie by going into each decision notice 'parent' node in the CMS to view them.

As I say, it may be possible for our developers to download them all for us. That would be chargeable work."

27. This additional information then led the Commissioner to question why the ICO considers it is possible for a third party to download the decision notices in bulk when it states that the functionality does not exist on the system at all.

28. The ICO confirmed that it does not know if a third party could download the decision notices in bulk, as it has not contacted a third party to actually find out. To do so would incur a cost in itself which it does not consider is reasonable nor a requirement of FOIA. It was merely suggesting that a third party may be able to do this work for the ICO at a cost because in order to retrieve the requested information by any of the means the complainant has put forward it would first need the decision notices to be downloaded in bulk.

29. With regards to the two examples the complainant provided (referred to in paragraph 25 above) the ICO confirmed that these two examples are based on a search of its website and it is agreed that the terms used did retrieve results with those terms contained in the body of the document. However, while the ICO's decision notices can be accessed via this website by clicking on a link, the notices are contained within the contents management system and the search facility here is different, for the reasons explained previously. Someone can search by a

particular public authority or by a particular section of the legislation. Someone can also search the summary of the decision notices using specific words or terms. But it remains the case that it is not possible to search the body of the decision notices uploaded onto the system using specific words or terms.

The Commissioner's decision

30. It is the Commissioner's view that the correct approach is to consider the cost of compliance based on a public authority's information systems as they are, rather than as they should or could be. This view is supported by case law, some of which is referred to below.

31. In the Upper Tribunal hearing of Commissioner of Police for the Metropolis v The Information Commissioner & Donnie Mackenzie [2014] UKUT 479 9AAC) the tribunal confirmed that –

"FOIA is not a means of reviewing a public authority's record-keeping and in some way testing it against best practice. In this case the Metropolitan Police has explained how information relevant to the request was collated and stored. The fact that Mr Mackenzie thinks there are obviously better ways of undertaking that task which can be assumed to be in place is neither here nor there." (at[37]), and "it is not a statute that prescribes any particular organisational structure or record-keeping practice in public authorities" (at[42]).

32. In Kirkham v Information Commissioner [2018] UKUT 126 (AAC) (Kirkham) the Upper Tribunal rejected the Appellant's argument that the public authority should buy in computer or other expertise required to implement FOIA stating that –

"18. Two issues arise under Part I [of FOIA]. The first is whether the authority made an estimate. This arises under section 12. If it did not make an estimate, it is not entitled to rely on the section, as the existence of an estimate is a precondition for the application of the section. If it did, the second issue is whether the estimate included any costs that were either not reasonable or not related to the matters that may be taken into account. This arises under regulation 4(3). Both issues focus on the authority, on how it holds the information, and how it would retrieve it.

19. The first issue is entirely subjective to the public authority. That is the language of section 12; it is personal to the authority. The cost of compliance will be related to the way that the authority holds the information. This is consistent with Upper Tribunal Judge Markus' analysis in Cruelty Free International v Information Commissioner [2017] UKUT 318 (AAC). I agree with her that it does not matter if the

way in which the information is held fails to comply with other legal obligations than FOIA. It might be otherwise if the authority had deliberately distributed the information in a way that would always allow it to rely on section 12. That is not the case here and it was not the case in Cruelty Free.

20. The second issue contains an objective element. The issue arises under regulation 4(3) of what costs 'a public authority...reasonably expects to incur in relation to the request'. The word 'reasonably' introduces an objective element, but it does so as a qualification of the costs that the authority in question expects to incur. The test is not a purely objective one of what costs it would be reasonable to incur or reasonable to expect to incur. It is a test that is subjective to the authority but qualified by an objective element. It allows the Commissioner and the Tribunal to remove from the estimate any amount that the authority could not reasonably expect to incur either on account of the nature of the activity to which the cost relates or its amount. "

"the test is what the public authority can reasonably expect, not what a particular member of the authority's staff can expect" at [26]

33. Taking this approach, it is the Commissioner's view that there is no requirement for the ICO to consider the suggestions the complainant has come up with, detailing alternative methods of searching (as referred to in the attached annex). This is because before the ICO can even see if any of those suggestions would work, it would need to download all the decision notices from the content management system in bulk. The ICO does not have the facility to do that (the function does not exist); it can only download each and every one individually. The ICO would need to consider third party intervention at a cost to the ICO and there is no requirement under FOIA for the ICO to do or indeed consider doing that. The relevant case law outlined above highlights that the correct approach is to consider the information systems as they are.
34. The Commissioner is satisfied that the ICO has explained how the requested information is held and how it is not possible to search all decision notices in the manner the complainant requires in order to retrieve all decision notices issued making reference to "Schedule 12A". It has explained how many decision notices there are and how, based on an estimate of 45 seconds per notice, it would exceed the appropriate limit by a considerable margin to search each and every one (almost 184 hours).
35. The Commissioner is satisfied that there appears to be no alternative, less time consuming means of doing this, considering how the requested information is held and what the ICO's current information systems can

do. The ICO has considered the complainant's suggestions of searching and retrieving the information and has explained in sufficient detail why these are not possible or indeed a requirement under FOIA.

36. In his submissions to the Commissioner the complainant also raised concerns over the actual estimate the ICO provided. He stated that the ICO had failed "...to document a 'reasonable' Sec. 12 effort estimate based on the existing capabilities of the ICO as a Public Authority."
37. It is the Commissioner's view that the ICO provided a reasonable estimation of cost/time based on how its information systems are and what they are capable of. In the Upper Tribunal hearing of Kirkham, the tribunal said –

"24. An estimate involves the application of a method to give an indication of a result. In the case of FOIA, the result is whether the cost of compliance would exceed the appropriate limit (regulation 4(1)). It follows that the method employed must be capable of producing a result with the precision required by the legislation in the circumstances of the case. The issue is whether or not the appropriate limit would be reached. The estimate need only be made with that level of precision. If it appears from a quick calculation that the result will be clearly above or below the limit, the public authority need not go further to show exactly how far above or below the threshold the case falls. 25. The result does not have to be precise; that is the nature of an estimate."

38. For the above reasons, the Commissioner is satisfied that the ICO is entitled to rely on section 12(1) of FOIA in relation to this request.

Section 16 advice and assistance

39. Section 12 triggers the duty to provide advice and assistance under section 16 of FOIA. But considering the case law outlined above, it is the Commissioner's view that this is limited to offering any advice and assistance (so far as this is practicable and reasonable to do so) as to how an applicant may refine a request based on what a public authority's information systems are able to do.
40. The ICO informed the complainant of what advice and assistance it felt it could provide in its refusal notice. In this response it dealt with all three items of the request and what it felt could be potentially provided within the cost limit. Focusing on item 2 (as this is the focus of this decision notice) the ICO advised the complainant that it would be possible for it to conduct searches for specific decision notices if he had a case reference number or the name of a public authority. It advised that there was also the prospect of searching a date range within the

website. This was however with the caveat that the searches would need to be done manually and it therefore cannot guarantee its accuracy.

41. It is the Commissioner's view that the ICO met its obligations under section 16 of FOIA in this case. It provided the advice and assistance it felt it was able to provide in the circumstances and, considering how it has explained its information systems are able to function, that this was reasonable and proportionate. The Commissioner does not consider there was any further advice or assistance that could have been provided.

Other matters

42. The complainant has alleged that the ICO has breached the section 45 and 46 codes of practice. In terms of section 45, the Commissioner assumes the complainant is referring to the ICO's duty to provide advice and assistance. The Commissioner has already determined that in this case there has been no breach of section 16 of FOIA. He therefore finds no issue with the ICO's compliance with the section 45 code in this regard or any other. In terms of information management and the section 46 code, again the Commissioner has not identified any concerns over the management and retention of the requested information. He is satisfied that section 12 of FOIA can only be considered on the basis of how the information is held and what a public authority's systems are able to do. There is no business requirement for the ICO to have the facilities in place to search for the information the complainant requires (i.e. the bodies of decision notices). It is aware of what information it holds and needs, where it is and has sufficient mechanisms and procedures in place for managing that.

Right of appeal

43. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

44. 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.
45. 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

Samantha Coward
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

" Assumption 1. Centralised storage of issued DNs

a) I assume that the ICO holds all of the issued DNs in some form of single location and separate from the ICO's Website Content Management System (CMS).

b) At one time, the ICO claimed that DN's were ONLY held within the website CMS or as individual files in the Case File system. I have correspondence confirming that the ICO does keep some form of a central repository of issued DNs

c) A central repository is logical as the issued DNs somehow need to be uploaded to the website CMS. It is reasonable to assume that a copy of issued DNs is held on the ICO's file servers and not just on the website CMS.

d) I am happy for this assumption to be challenged and proven wrong. If the assumption is false, I agree that extracting 10,000 DNs from each historic case file is unjustified. However, the ICO must explain WHY this assumption is wrong if it is to be accepted by an FTT judge.

2) Assumption 2. Since 2010 All PDF's held centrally are text-based PDFs

a) PDFs are created by:

i) converting a document to a text PDF format

ii) converting a document to an image PDF format

b) It is only possible to search a text-based PDF (an imaged based PDF first needs to be "OCR'd)

c) Assumption 2 is that the number of image PDFs held centrally is zero or minimal.

d) To quickly test this assumption, review the PDF size as an image PDF will be significantly larger than a text PDF.

e) If the number of PDF documents since 2010 was found to be significant then:

i) See assumption three below

ii) Raise the topic under "Advice and assistance" to ask whether the need to OCR documents can be dropped from the request.

f) Note: The ICO claims that image-based PDF's fall within the scope of the request but do not provide any supporting evidence or estimation for this claim.

3) Assumption 3. The ICO staff already have access to OCR Software and can efficiently perform batch OCR

a) If assumption 2 is not correct (i.e. that there are a large number of imaged PDF's within scope), then it is my view that the ICO can perform a batch OCR to resolve matters.

b) If you are not familiar with OCR functionality (embedded into PDF editors), I will explain that OCR software operates in at least two modes:

i) Mode 1 = An hidden free text layer is placed on top of the existing image. It is then possible to index, search and highlight the hidden text.

ii) Mode 2 = Replace the existing image text with the OCR generated text. The OCR software then tries to match the format of the original text (not always successful).

c) As can be seen from the attached file, the example image PDF is approx. 40x larger than the equivalent text-based PDF. This difference in file size provides a quick way to estimate whether a PDF file needs to be OCR'd without the need to open up each PDF individually.

d) Also, in the unlikely event that a large number of image PDF's are captured within the scope of the IR then OCR software generally has a "batch function". This batch function allows for scanned PDFs to be grouped into a single group for batch OCR. For example, I used the OCR functionality on my PDF software and batch OCR'ed at the rate of approx. 100 pages per minute. There is no reason to believe that the ICO is not able to undertake OCR conversion at a similar rate.

4) Assumption 4. The ICO staff has some level of understanding of how indexing/search software works

a) Information search and retrieval is at the heart of much of the ICO's work (DSAR, FOI, EIR). Therefore, I consider it unlikely that many of the ICO's staff are not already familiar with how computers index documents and then allow that index to be accessed by other search programs.

b) I consider it to be of significant public interest if the IC were to claim that none of her staff understood anything about electronic indexing, search & retrieval as part of their work of (i) responding to information request or (ii) investigating complaints, specifically investigating and assessing any FOI Sec. 12 / Sec. 14 disputes.

5) Fact 1: Windows 10 automatically generates an index of all text-based documents (located in user directories)

- a) Any text file copied to the "user" directory of a Win10 PC will be automatically indexed.
- b) This index allows for the Win10 search functionality: the (i) search box in the taskbar and (ii) the search box as part of File Explorer.
- c) For additional information on Win10 indexing/search see [Google search here](#) and [YouTube Search here](#)"