

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 March 2023

Public Authority: HM Treasury
Address: 1 Horse Guards Road
Westminster
London
SW1A 2HQ

Decision (including any steps ordered)

1. The complainant requested information from HM Treasury ("the public authority"). The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority complied with its obligations under section 16 of FOIA to offer advice and assistance.
2. The Commissioner does not require the public authority to take any steps.

Request and response

3. On 12 December 2022, the complainant made the following request for information to the public authority:

"I would like to submit the following request under the Freedom of Information Act (2000).

1. In 2022 to date, how many specific licence applications to allow an activity or transaction that would otherwise be prohibited by the Russia Regulations has OFSI received? b) How many of these specific licence applications have been approved?

2. Which sanctioned entity did each approved licence relate to?

3. What activity or transaction did each licence authorise?
4. What was the financial value of the activity or transaction each licence authorised?"
4. The public authority refused to provide the requested information citing section 12 (cost limit) of FOIA as its basis for doing so.

Reasons for decision

Section 12 – cost of compliance

5. This reasoning covers whether the public authority is correct to apply section 12(1) (cost limit) of FOIA to the request.¹ The appropriate limit² for the public authority in this case is £600.
6. The public authority considers that the cost of complying with this request would exceed the appropriate limit under FOIA. It has explained that although it holds information within scope of the request, it does not hold it in a readily accessible format and would therefore need to manually review an extensive number of files.
7. The public authority explained that following Russia's actions against Ukraine, the Government launched an unprecedented package of further sanctions. As a result the Office for Financial Sanctions (OFSI) had received a large number of specific licence applications under the Russia regime. To comply with the request, the public authority explained that it would need to manually review each licence application to identify the information requested in questions two, three and four of the request.
8. According to the OFSI annual review report 2021-22³, referred to by both complainant and public authority in their correspondence, 642 licence applications were received in the first six months following Russia's invasion of Ukraine. If the public authority were to review just these 642 applications within the time limit, it would need to manually

¹ <https://www.legislation.gov.uk/ukpga/2000/36/section/12>

² <https://www.legislation.gov.uk/ukxi/2004/3244/regulation/4/made>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1116689/OFSI_Annual_Review_2021-22_10.11.22.pdf

review each one in under two minutes. It also is reasonable to assume that more applications were received in the remaining months of 2022 as per the requested time period.

9. The Commissioner is satisfied that the public authority's arguments above are justified, because it has explained that it could not easily identify the licence applications falling within scope of the request without having to carry out lengthy manual searches.
10. The Commissioner's decision is that the public authority was correct to apply section 12(1) of FOIA to the request.

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

11. Section 16(1) of 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 practice⁴ in providing advice and assistance, it will have complied with section 16(1).
12. The Commissioner notes that the public authority advised the complainant that they could narrow the scope of their request to try and fall within the cost limit and advised that some of the information requested in the original request may also contain personal data. It also signposted some relevant information that had been published in the OFSI annual report. The Commissioner is therefore satisfied that the public authority met its obligations under section 16 of FOIA.

⁴ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Right of appeal

13. 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@justice.gov.uk

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

14. 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.
15. 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

Michael Lea
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