

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 3 October 2023

**Public Authority:** Legal Ombudsman  
**Address:** Edward House  
Quay Place  
Edward Street  
Birmingham B1 2RA

#### **Decision (including any steps ordered)**

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1. The Commissioner's decision is that the Legal Ombudsman (LO) is entitled to refuse an aspect of the complainant's request for information about service complaints under section 12(1) of FOIA. This is because it would exceed the appropriate cost limit to comply with it. There's been no breach of section 16(1) of FOIA, which concerns advice and assistance.
2. It's not necessary for the LO to take any corrective steps.

#### **Request and response**

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3. The complainant made the following information request to the LO on 8 June 2023:  
  
"[1] I would like to know how many cases escalated to stage two have had their resolution compensation amount cancelled/denied/revoked.  
[2] Also for context I would need to know the total number of complaints that were escalated as well to stage two

E.g. total number of complaints escalated from stage one to stage two... 971

Total number of complaints with compensation figures cancelled... 87"

4. The LO provided some relevant information. However, its final position in respect of part 2 of the request was to apply section 12(1) of FOIA in respect of information prior to April 2023.
5. The LO explained that it would exceed the cost limit to comply with that element because of the way it holds the material it would need to review. It advised that this is held as 850 separate (electronic) files, and each file would need to be manually reviewed to extract information relevant to the request.
6. On the basis of the LO's correspondence to the complainant, the Commissioner advised that he was satisfied that the LO was entitled to rely on section 12 of FOIA. The Commissioner confirmed this again to the complainant when he'd considered the LO's submission. The complainant preferred not to withdraw their complaint on both occasions.

## Reasons for decision

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7. This reasoning covers the LO's application of section 12(1) of FOIA to part 2 of the complainant's request and whether there was any breach of section 16(1).
8. Under section 12(1) of FOIA a public authority such as the LO can refuse to comply with a request if the cost of complying would exceed the appropriate limit of £450 (18 hours work at £25 per hour).
9. Section 16(1) obliges a public authority relying on section 12 to offer an applicant advice and assistance to refine their request to bring complying with it within the cost limit if it's possible to do so.
10. In their complaint to the Commissioner the complainant put forward the following arguments as to why they considered that the LO should be able to provide them with the information they've requested, within the cost limit:

"I work in IT and I'm aware of all systems and how they work. It's all about data. IT is information technology, so it's technology for everyone to use to be able to access information.

So ultimately there will be a way to go through all of these cases to get this information. A simple extraction as a comma separated value file in excel could do this.

A formula or algorithm could be run on these data files to pull the information from that specific field.

Included in the field where this specific data is held - this will be flagged with a yes or a no. this will be known to developers and they can take information from that specific field in all of the cases quite easily and produce the information I require

Someone does not have to manually go through 850 cases for this..."

11. The Commissioner asked the LO to address this argument. In its submission the LO responded as follows:

"I have liaised to our IT development team to review the data as it stands with the historic data. With numerous attempts at trying different methods to extract the data, we are still unable to extract the data within a lower timeframe that will go below the cost limit. The system used to manage Service Complaints prior to April 2023 does allow the extraction of data to CSV for manipulation in tools such as Excel as [the complainant] suggested. The issue with actioning [the complainant's] request is that remedy amounts at each stage of complaint were never captured on the system itself, only the final remedy amount awarded (if any) was recorded, this has been rectified in the new system allowing us to share the data from April 2023 onwards. For us to provide the data requested would require the review of the correspondence (pdf/emails) related to each of the 850 complaint files to be able to collate this data."

12. The Commissioner also asked the LO to consider whether there was any way for part 2 of the request to be refined to bring complying with it within the cost limit. The LO responded as follows:

"We have also considered, and test other practical ways [the complainant] could refine his search, however the issue we still encountered is that the remedies were not recorded on the system instead the remedy amount is contained within the letter or email issued to the complainant or service provider. The other issue we encountered is there is also no differentiation as to whether a remedy was awarded at stage 1 or 2, therefore we are unable to provide [the complainant] with accurate data as to whether a remedy was corrected denied or revoked at any of the stages without revisiting each file manually."

13. As the Commissioner explained to the complainant, he remains satisfied that the LO has considered the complainant's request thoroughly and can't comply with it within the cost limit. Prior to April 2023, it didn't automatically record all the service complaints that were escalated to stage 2 on the IT system it used.
14. To provide this information the LO would need to manually review the relevant electronic files. If it took three minutes to manually review each of those 850 files, this would take more than 42 hours. And even at only two minutes per file, it would still exceed the cost limit. As such, the Commissioner's decision is that the LO is entitled to refuse this aspect of the complainant's request under section 12(1) of FOIA.
15. Prior to April 2023, the LO didn't record the requested information in a way that would make it simple to retrieve. Identifying the information would only be possible through a manual review of each relevant file. It therefore simply wouldn't be possible to narrow the scope of the request in a meaningful way. The Commissioner has therefore decided that there wasn't any breach of section 16(1) of FOIA.

## **Right of appeal**

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16. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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**

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**