

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

### **Decision notice**

**Date:** 10 July 2024

**Public Authority:** Channel Four Television Corporation  
**Address:** 124 Horseferry Road  
London  
SW1P 2TX

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

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1. The complainant has requested information about overseas trips taken by Alex Mahon (Chief Executive) and Ian Katz (Director of Programmes) between 19 January 2023 and 19 January 2024. Channel Four Television Corporation ('Channel 4') refused the request relying on section 12 of FOIA (cost limit).
2. The Commissioner's decision is that Channel 4 was entitled to rely on section 12(1) of FOIA to refuse the request. The Commissioner finds that Channel 4 complied with its section 16 obligation to offer advice and assistance.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 19 January 2024, the complainant wrote to Channel 4 and requested information in the following terms:

"Thank you for your response to my request for an internal review.  
Your reference: FOI/2023/93.

After careful consideration I would like to submit a revised request for information.

[...]

My request now concerns overseas trips taken by Alex Mahon and Ian Katz. Please note that I am now only interested in overseas travel taken by these individuals.

[...]

Please note that I am only interested in information generated between 19 January 2023 to 19 January 2024.

In the case of each of the questions below can you provide information for both Ian and Alex.

1...In the case of each of the aforementioned individuals how many overseas trips were taken during the relevant period. Please note that I am only interested in those trips where part and or all of the costs were met by Channel 4.

2...Can you provide a list of all of these overseas trips. For both Ian and Alex can you provide the dates of travel and the destinations. If the trip was for a specific event or shoot can you provide details.

3...In the case of each of these overseas trips and for each individual can you provide the following details.

(a)...The overall cost of each trip including but not limited to any personal expenses submitted by Alex or Ian. If possible can you provide a breakdown of the costs.

(b)...Details of accommodation used. In the case of each trip can you identify the hotel(s) used. Can you state how much was spent on the hotel. In the case of each overseas trip can you identify the type, size and class of the room(s) booked. The rooms will include but will not be limited to doubles and or singles and or suites. Can you provide details including costs of any other accommodation used. For example can you provide details of any villas or houses and or apartments rented or used.

(c)...Details of any air travel. In the case of each overseas trip can you state the airlines used. In the case of each overseas trip can you state the standard and class of the seat booked. For instance was the seat in first class, business class, economy or super economy. In the case of each trip and flight can you provide details of costs."

5. Channel 4 responded on 16 February 2024. It referred the complainant to its response to a previous request, and advised that, due to the scope of the refined request, it would still not be able to provide the requested information within the cost limit.

6. Following an internal review, Channel 4 wrote to the complainant on 13 March 2024. It maintained its reliance on section 12 of FOIA.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 16 March 2024 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to determine whether Channel 4 was correct to rely on section 12(1) to refuse the request. The Commissioner will also consider whether Channel 4 met its obligation to offer advice and assistance, under section 16 of FOIA.

## **Reasons for decision**

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### **Section 12 – cost of compliance**

9. Section 12(1) of FOIA states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the “appropriate limit” as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Fees Regulations”).
10. Section 12(2) of FOIA states that subsection (1) does not exempt the public authority from the obligation to comply with paragraph (a) of section 1(1) (the duty to inform an applicant whether it holds information of the description specified in the request) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit. Channel 4 relied on section 12(1) in this case.
11. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 at £600 for central government, legislative bodies and the armed forces and at £450 for all other public authorities. The appropriate limit for Channel 4 is £450.
12. The Fees Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 18 hours for Channel 4.
13. Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the cost it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
  - locating the information, or a document containing it;
  - retrieving the information, or a document containing it; and
  - extracting the information from a document containing it.
14. A public authority does not have to make a precise calculation of the costs of complying with a request; instead only an estimate is required. However, it must be a reasonable estimate. In accordance with the First-Tier Tribunal in the case of *Randall v Information Commissioner & Medicines and Healthcare Products Regulatory Agency EA/2007/0004*, the Commissioner considers that any estimate must be “sensible, realistic and supported by cogent evidence”. The task for the Commissioner in a section 12 matter is to determine whether the public authority made a reasonable estimate of the cost of complying with the request.
15. Section 12 is not subject to a public interest test; if complying with the request would exceed the cost limit then there is no requirement under FOIA to consider whether there is a public interest in the disclosure of the information.
16. Where a public authority claims that section 12 of 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 FOIA.

**Would the cost of compliance exceed the appropriate limit?**

17. In its internal review response, Channel 4 explained that the requested information covered a year’s worth of information, spread across several systems and held by various third parties.
18. Channel 4 explained that the requested information about relevant trips could include flights, trains, taxis between meetings, subsistence and so on. Channel 4 added that the requested date range runs up until the date the request is submitted, which increases the amount of time needed to ascertain whether the information is “held” in instances where claims have been made but not yet paid out. It explained that this would make it difficult, and more time-consuming, for Channel 4 to provide a total cost for a trip.
19. Channel 4 explained that it uses a number of different agencies for booking trips and ways for expenses to be claimed. It explained that Egencia looks after bookings for flights, hotels, and trains, and GLS is its supplier for taxi journeys. For subsistence expenses, it explained that

certain members of staff, including Alex Mahon and Ian Katz, can either use their corporate card or submit receipts for reimbursement.

20. Channel 4 explained that it does not routinely compile the cost of trips as it has no business reason to do so and therefore it does not hold the requested information anywhere in aggregate form. It added that although it receives regular reports from its third-party travel suppliers, it has no reason to interrogate this by, for example, trying to match a taxi booked to Heathrow shown on a GLS report to a flight taken a few hours later that day as shown on an Egencia report, and then matching that with a receipt on its finance system for a sandwich shop at the airport. Channel 4 stated that this example illustrates that if it were to attempt to pull together the total cost of a trip, it would need to try to trace all the individual's movements over the course of a trip and match these against data held in these different reports.
21. In its internal review response, Channel 4 estimated that it would take over 25 hours to provide a response to the request. In its submission to the Commissioner, Channel 4 explained that it regularly receives similar requests about expenses related to its executive directors. It explained that even though these requests tend to be narrower in scope, they often take up to or slightly over the 18 hour limit to compile a response.
22. Channel 4 advised the Commissioner that it had not been able to undertake a sampling exercise due to the extent of inconsistency in data from month to month. It explained that a specific month's worth of data could cover a month where no trips were taken, where just one or two day trips were taken, or where a huge number of trips were taken. It did however provide an example of how it would try to provide a response to part (a) of the request:

(...The overall cost of each trip including but not limited to any personal expenses submitted by Alex and or Ian. If possible can you provide a breakdown of the costs.)
23. For this part of the request, Channel 4 explained that it would either need to ask each individual for their recollections of travel taken or expenses incurred for each trip within the requested time period, and then attempt to match if it could locate receipts to that date, rough time of day and venue, or, it would need to collect a year's-worth of receipts and other expense data and attempt to put it into chronological order to see if it could reconstruct all movements across a trip. Channel 4 added that where expenses are in the process of review (that is, claimed but not yet approved and paid), this would mean that it may not hold the information to provide an "overall cost" as it would know the expense was being considered, but not whether it would be reimbursed or rejected.

24. Channel 4 considers that the quickest method of obtaining the requested information would be to ask the individual who claimed the expenses for a copy of their diary, together with any recollections they may have of their trips. However, this would still require Channel 4 to methodically search the various repositories where relevant data is held to ensure, for example, that a breakfast claimed seven months ago had not been mis-remembered and to ensure that it captured the exact amount it had cost, given it's highly unlikely an individual would remember the exact cost over such a period of time.
25. Channel 4 added that: "Having checked the various repositories, it is likely we would need to check back with the individual for clarification/rationale if, for example, a receipt had not been located for a dinner meeting shown in their diary. For example, had the other party present paid? Was the receipt in the expenses system and so not yet approved and reimbursed? Was the meeting cancelled? In error, had we missed the receipt on the first check of the system? Did we miss the vendor's name as under the name of an umbrella company rather than the restaurant on a card statement?"
26. Given the wide scope of the request in terms of time period and detail, combined with the requested information being held in a number of different reports, the Commissioner considers that Channel 4 estimated reasonably that it would take more than the 18 hour limit to respond to the request. Channel 4 was therefore correct to apply section 12(1) of FOIA to the request.

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

27. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request so far as it would be reasonable to expect the authority to do so. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice<sup>1</sup> in providing advice and assistance, it will have complied with section 16(1).
28. The Commissioner notes that Channel 4 had responded to a previous request from the complainant and had provided advice and assistance to them about refining their request. It explained the difficulty in compiling

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<sup>1</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

the requested information for such a large time period and in such detail and advised that the scope of the request could be narrowed to fewer individuals, and a shorter time period with less detail to try and meet the cost limit.

29. Although the complainant did submit a refined request concerning only two individuals, they did not refine the requested time period or reduce the amount of detail requested. In their refined request, the complainant did not consider Channel 4's previous advice that requesting information up to the date of making the request would cause issues in compiling the requested information within the cost limit.
30. The Commissioner is therefore satisfied that Channel 4 did comply with section 16 of FOIA when dealing with this request.

## Right of appeal

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31. 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)

32. 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.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Keeley Christine**  
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**Information Commissioner's Office**  
**Wycliffe House**  
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