

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 November 2012

Public Authority: The Governing Body of University of Cambridge
Address: The Old Schools
Trinity Lane
Cambridge
CB2 1TN

Decision (including any steps ordered)

1. The complainant has requested information relating to animal testing at the University of Cambridge. The University responded to four parts of the request but refused to respond to the remaining two parts of the request as it said it would exceed the cost limit under section 12 of the FOIA to do so.
2. The Commissioner's decision is that the University has correctly applied section 12 in this case. The Commissioner requires no steps to be taken.

Request and response

3. On 2 April 2012, the complainant wrote to the University and requested information in the following terms:

"I request to know does the university of cambridge carry out animal experiments

I request to know how many animals were used in experiments inside Cambridge University between 1st of January 2011 AND 1st of January 2012.

How many animals were held for use in experiments inside Cambridge University between 1st January 2011 AND 1st January 2012 (if this differs from the above).

I request to know the types of animals kept or used for experiments between those dates. I request to know what these experiments were.

I request to know the Home Office licence classification for these experiments in terms of pain, lasting harm, etc. if classified.

I request to know if the animals were used for medical or non medical research"

4. The University responded on 30 April 2012. It responded to part 1 of the request, refused parts 2 and 3 on the basis that responding would exceed the cost limit, directed the complainant to information on the Home Office's website to answer parts 4 and 5 (and therefore applied section 21 of the FOIA) and answered part 6 of the request.
5. Following an internal review the University wrote to the complainant on 29 May 2012. It stated that it had reconsidered its answers to parts 2-5 of the request as it considered it had sufficiently answered parts 1 and 6. The University stated it still considered that responding to parts 2 and 3 of the request would exceed the appropriate cost limit.
6. However, with regards to parts 4 and 5 the University acknowledged that section 21 had been incorrectly applied and the information could be provided. The University was clear that it could choose not to provide this information as section 12 of the FOIA exempted it from having to respond to any parts of the request but the University was prepared to provide the information in response to parts 4 and 5 of the request in order to be of assistance to the complainant.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
8. The Commissioner has considered whether section 12 of the FOIA was correctly applied to parts 2 and 3 of the complainant's request. The Commissioner is satisfied that parts 1, 2, 5 and 6 have been answered and information provided.
9. The Commissioner has therefore focused his investigation solely on the application of section 12 to the request to know how many animals were used in experiments inside the University from 1 January 2011 to 1 January 2012 and how many animals were held for use in experiments between these same dates.

Reasons for decision

10. Section 12 of the FOIA states that a public authority does not have to comply with a request for information if it estimates that the cost of complying with the request would exceed the appropriate limit.
11. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Regulations") sets the appropriate limit at £450 for the public authority in question. A public authority can charge a maximum of £25 per hour for work undertaken to comply with a request which amounts to 18 hours work in accordance with the appropriate limit set out above. If a public authority estimates that complying with a request may cost more than the cost limit, it can consider the time taken in:
 - a) determining whether it holds the information;
 - b) locating the information, or a document which may contain the information;
 - c) retrieving the information, or a document which may contain the information; and
 - d) extracting the information from a document containing it.
12. To determine whether the University applied section 12 of the FOIA correctly the Commissioner has considered the responses provided to the complainant by the University and the submissions provided to the Commissioner during his investigation.
13. The University explained that it does hold the information in relation to parts 2 and 3 of the request but it is not collated and held centrally by a single overarching office within the University and is instead held by each project licence holder, who are based across a number of different departments. Each licence holder is responsible for compliance with the terms of their licence and making returns to the Home Office in relation to the work they conduct. During the 2011 calendar year the University has stated it had 108 licence holders.
14. On the issue of licence holders, the University further explained that research involving scientific procedures with animals are regulated by the Animals (Scientific Procedures) Act 1986 ("ASPA") which sets out the regulatory framework for this research. The licencing system involves three layers:
 - A single certificate holder – the University who holds the licence to allow experimentation to take place on its premises;

- Various project licence holders – who are responsible for experiments on specific research projects, divided into individual protocols; and
 - A larger number of personal licence holders – all those carrying out research involving scientific procedures with animals.
15. The University clarified that responsibility for collating and recording the statistics on the numbers of animals used lies with each project licence holder. This is the information requested for the whole University in parts 2 and 3 of the complainant's request.
16. As the University had already clarified it had 108 active project licence holders in the calendar year that covered the period of the request, the University states it would have to request individual project licence holders supply the relevant statistics directly to the University in order to answer the request. Previously, individual project licence holders would have reported these statistics on an individual basis direct to the Home Office.
17. The University provided an overall calculation of 33 hours to comply with the request. Whilst the University did state that no sampling exercise had been conducted it confirmed the estimate was based on its experience of processing requests of this kind previously. Its calculation was based on the following:
- Time to contact 108 project licence holders, customising each email to cite individual licence numbers and project titles = 3 hours (approx. 1.5 minutes per email)
 - Time for each project licence holder to search for, extract and return the relevant statistics, taking into account that much of the information is held in hard copy only = 27 hours (based on an estimate of 15 minutes per licence)
 - Estimated time to chase and/or clarify responses = 1.5 hours
 - Estimate time to collate and aggregate the data = 1.5 hours
18. The Commissioner is not minded to accept the time estimated by the University for it to chase responses as it is difficult to quantify whether this will be necessary. However, even discounting this, the estimate provided by the University would exceed the appropriate cost limit set out in section 12. The Commissioner has also considered a previous decision notice (FS50449254) in which he considered a similar request for information and the application of section 12 by the University of Bristol. In this decision, the Commissioner accepted the estimate that it would take each project licence holder 20-30 minutes per licence to

retrieve the relevant information. On this basis the Commissioner accepts the estimate provide the public authority in this case i.e. 15 minutes per licence, to be a reasonable estimate.

19. As such the Commissioner accepts that section 12 was correctly engaged in relation to parts 2 and 3 of this request as just the process of project licence holders locating and extracting relevant information would exceed the appropriate cost limit under section 12.

Right of appeal

20. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

21. 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.
22. 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, Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF