

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 October 2015

Public Authority: Greenhead College
Address: Greenhead Road
Huddersfield
West Yorkshire
HD1 4ES

Decision (including any steps ordered)

1. The complainant has requested information from Greenhead College ("the College") in relation to predicted 'A'-Level grades for the last 10 years. The College refused to disclose the requested information, citing section 12(1) of FOIA as a basis for non-disclosure.
2. The Commissioner's decision is that the College has correctly applied section 12(1) of FOIA to the requested information.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 14 April 2015, the complainant wrote to the College and requested information in the following terms:

"I would like to receive a full and comprehensive breakdown of your college's predictions for 'A'-Level grades for the last ten years. I would like each year's breakdown to be split subject and within that split by tutor. I would like to see the predicted grade and the achieved grade for each and every prediction made over the period. I am not interested in identification of the individual students so am happy for these to be anonymised but I do wish to see the names of the tutors.

Please can you provide this in a spreadsheet format, one spreadsheet for each year using a separate tab for each subject within each spreadsheet and separating out tutors within each subject by heading.”

5. The College responded on 20 April 2015. It stated that it was refusing to disclose the requested information and cited section 36 of FOIA as a basis for non-disclosure.
6. Following an internal review the College wrote to the complainant on 11 May 2015. It stated that it was upholding the original decision not to disclose the requested information.

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 wrote to the College seeking an explanation of its application of section 36 of FOIA to the requested information. The College responded to the Commissioner stating that, on reflection, it had considered the resources necessary to locate, retrieve and extract the requested information, and now wished to apply section 12(1) of FOIA to the requested information.
9. The College confirmed to the Commissioner that, as per its obligation to advise and assist under section 16 of FOIA, it had offered the complainant the opportunity to narrow or refine his request. The complainant made it clear to both the College and the Commissioner that he did not wish to avail of this opportunity and that his original request still stood.
10. The Commissioner has considered whether the College has correctly applied section 12(1) of FOIA to the requested information.

Reasons for decision

11. Section 12(1) allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations.)
12. This limit is set in the fees regulations at £600 for central government

departments and £450 for all other public authorities. 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 in this case.

13. In estimating whether complying with a request would exceed the appropriate limit, Regulation 4(3) states that an authority can only take into account the costs it reasonably expects to incur in:
 - a. determining whether it holds the information;
 - b. locating a document containing the information;
 - c. retrieving a document containing the information; and
 - d. extracting the information from a document containing it.
14. The complainant's request was for 10 years of data and the College explained to the Commissioner that this data is held only in paper format for 7 of the last 10 years. The College does hold the requested information and can locate the student files containing the information, however, based on the College's estimate of the time required to i) search each student file for the predicted and actual grade information and ii) enter the data onto data entry software to capture the data, the time it would take to retrieve and extract the information would exceed the appropriate limit. Any queries or exceptions – for example, to validate the accuracy of a grade – would add further time.
15. The College explained that, even with a highly conservative estimate of only 1 minute per file, it would take 99 hours to locate and retrieve the information contained in the seven years of paper files. In addition to this, the College estimated that it would take a further 14 hours to locate, retrieve and extract the information which it holds electronically, bringing the total estimated time taken to 113 hours.
16. As Greenhead College is a sixth form college with 2300 students, the Commissioner accepts that the time estimated by the College to retrieve and extract the requested information meets the criteria of being "sensible, realistic and supported by cogent evidence, as per the Commissioner's Awareness Guidance regarding section 12 of FOIA.¹
17. Therefore, the Commissioner considers that the College has correctly applied section 12(1) of FOIA to the requested information. The

¹ Requests where the cost of compliance with a request exceeds the appropriate limit, Version 1.1 pages 7-11

Commissioner notes that the College has fulfilled its obligation under section 16 of FOIA to provide advice and assistance by inviting the complainant to narrow or refine his request, which the complainant declined to do.

Right of appeal

18. 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@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF