

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2023

Public Authority: **Governing Body of Stratton Primary School**

Address: **New Road
Stratton
Bude
Cornwall
EX23 9AP**

Decision (including any steps ordered)

1. The complainant requested information from Stratton Primary School ("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 2 January 2023, the complainant made the following request for information to the public authority:

"Please can I have copies of any emails that include any of the words shown below within the double quotation marks, anywhere in the email body or email subject title, within the specified date range and search scope.

Date range: 1st January 2021 to 31st December 2022

Search word : "footpath"

Search word : "bridleway"

Search phrase: "public right of way"

Search Scope: The entire email account of [EMAIL ADDRESSES REDACTED]"

4. The public authority refused to provide the requested information citing section 12 (cost limit) of FOIA as its basis for doing so. It also advised that section 40 (personal information) would also apply.

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 £450.
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 would need to review an extremely large volume of emails within the requested email accounts over the specified two year period. Due to the broad nature of the requested search terms, compiling the requested information would require significant amounts of staff time to review the email accounts and the body of every potentially relevant email to manually check for the requested search terms and locate all emails within the scope of the request.
7. The public authority carried out a sampling exercise with one of the requested email addresses and the search term "bridleway". The search identified 92 emails containing this search term and the public authority took 15 minutes to review the first three emails identified. The public authority repeated the sampling exercise with the search term "public right of way" and this returned 147 emails but it noted that the search also picked up the individual words "public", "right" and "way" which

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

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

further confirmed the need to manually review the emails returned by the searches.

8. The public authority used the results of the sampling exercise to estimate that for each search term across the requested email addresses it would return an average of 100 emails. The public authority would need to carry out a search for each search term on each requested email account and it estimated that this would return 300 potentially relevant emails per email account. The public authority has suggested a generous estimate of five minutes to review each email and this would require 75 hours to compile a response for the request. The Commissioner notes that even if the time per email was reduced to two minutes, the time required would still clearly exceed the cost limit.
9. The public authority also highlighted that, were it able to provide a response within the time limit, the emails within the scope of the request would contain personal information about pupils and correspondence from parents so section 40 of FOIA would also apply.
10. The Commissioner is satisfied that the public authority's arguments above are justified, because it has explained that it could not easily identify the relevant emails from the requested email addresses within scope of the request without having to carry out lengthy manual searches.
11. The Commissioner's decision is that the public authority was correct to apply section 12(1) of FOIA to the request. He has not therefore gone on to consider the application of section 40 of FOIA, as the entirety of the request falls under section 12(1) of FOIA.

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

12. 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 practice³ in providing advice and assistance, it will have complied with section 16(1).
13. The Commissioner notes that, in its internal review response, the public authority advised the complainant that they could narrow the scope of

³ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

their request to not include correspondence from parents in order to try and fall within the cost limit. The Commissioner is therefore satisfied that the public authority met its obligations under section 16 of FOIA.

Right of appeal

14. 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

15. 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.
16. 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
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
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SK9 5AF