

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 16 December 2005

Name of Public Authority: London Borough of Camden

**Address of Public Authority: Camden Town Hall
Judd Street
Camden
London
WC1H 9JE**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 28th January 2005 the following information was requested from the London Borough of Camden (the "Council") under section 1(1) of the Freedom of Information Act 2000 (the "Act"):

1. "The number of penalty charge notices Camden issued in the past year – including breakdown between PA issued / B Lane PCN / CCTV PNC".
2. "The number that is paid at the reduced penalty. Or a percentage of the total issued in a year".
3. "The number of notices to owner Camden issued. Or a percentage of the total issued in a year".
4. "The number of formal representations Camden receives. Or a percentage of the total issued in a year".
5. "The number of informal representations Camden receives. Or a percentage of the total issued in a year".
6. "The number of representations that Camden accepts. Or a percentage of the total issued in a year".
7. "The number of representations that Camden rejects. Or a percentage of the total issued in a year".
8. "The number of appeals that Camden has lodged against them at PATAS".
9. "The outcome of those appeals at PATAS (accepted/rejected/PNCs cancelled thereby avoiding PATAS)".
10. "The number of charge certificates Camden issues. Or a percentage of the total issued in a year".
11. "The proportion of charge certificates Camden issues which are paid".
12. "The number of cases Camden refers to the County Court. Or a percentage of the total issued in a year".
13. "The proportion of cases referred to County Court which are paid".
14. "The number of challenges to penalty charges resolved prior to the Notice to Owner, after informal representations".
15. "The number of formal complaints received at Camden parking services".

It is alleged that:

The fee being charged by the Council, for the provision of the information requested by the complainant, is excessive.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The Council has explained that the fee in question was calculated in accordance with paragraphs (3) and (4) of Regulation 4 of the Fees Regulations.

Regulation 4 of the Fees Regulations, Paragraphs (3) and (4) state:

- (3) In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only of the costs it reasonably expects to incur in relation to the request 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.
- (4) To the extent to which any of the costs which a public authority takes into account are attributable to the time which persons undertaking any of the activities, those costs are to be estimated at a rate of £25 per person per hour.

Having estimated that to comply with the request would involve 28 staff hours at an hourly rate of £25 the Council arrived at a total cost of £700.

In justifying the time it would take to respond to the request, the Council explained that whilst it may be technically possible for an IT system to produce various reports to include the information requested, the organisation did not currently have the software or expertise required to produce this specific type of report. The majority of the information, concerning parking

control, is held on databases that were developed to enable the production of management reports. The complainant's request did not fall within the categories of standard management reports. Consequently, the Council was unable to separate the information requested under parts 1 and 2 of this request without new software and specialist contractors.

Having considered the Council's response, the Commissioner is satisfied that the fee, cited in the Council's letter to the complainant dated 14th February 2005, has been calculated in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Regulations"), as required by section 9(3) of the Act.

Section 9(3) of the Act states:

"Subject to subsection (5), any fee under this section must be determined by the public authority in accordance with regulations made by the Secretary of State"

Action Required

In view of these matters, the Commissioner hereby gives notice that, in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the London Borough of Camden.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 16th day of December 2005

Signed:

Richard Thomas
Information Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF