

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 14 August 2008

Public Authority: British Broadcasting Corporation
Address: MC3 D1
Media Centre
Media Village
201 Wood Lane
London
W12 7TQ

Summary

The complainant requested expense details in relation to BBC Scotland and Reporting Scotland. The BBC refused to provide the information on the basis that it was not a public authority in relation to the complainant's request because the information was held for the purpose of journalism, art or literature within the meaning set out in Schedule 1 of the Act. As an alternative argument the BBC has applied the exemption under section 12 of the Act to withhold the information from the complainant. After a careful evaluation of the nature of the request, and the relevant provisions of the Act, the Commissioner's decision is that the BBC has incorrectly applied Schedule 1 and that the information is held for purposes other than those of journalism, art and literature. The Commissioner also finds that the exemption under section 12 is engaged and that the BBC should contact the complainant in order to refine his request in line with its duty under section 16 of the Act.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). In the particular circumstances of this complaint, this duty also includes making a formal decision on whether the BBC is a public authority with regard to the information requested by the complainant. This Notice sets out his decision.

The Request

2. The complainant has advised that on 12 February 2007 he wrote to the British Broadcasting Corporation (BBC) to request the following information:
 - “1. The Number of expense claims submitted by BBC journalists in Scotland to the relevant finance department which were rejected, detailing what those times / services etc that were rejected were and for the period February 2006 to February 2007.*
 - 2. The total cost of expenses claimed by BBC staff working on Reporting Scotland for the period Feb 2006 to Feb 2007.*
 - 3. The total number of expenses claims made by BBC staff working on Reporting Scotland rejected by the relevant finance department at the corporation for the period Feb 2006 to Feb 2007, listing the items or services that were rejected.*
 - 4. The total travel costs claimed for by staff working for BBC Reporting Scotland for the period Feb 2006 to Feb 2007.*
 - 5. The total hotel and accommodation costs associated with accommodating BBC staff working on Reporting Scotland for the period Feb 2006 to Feb 2007.*
3. The BBC responded on 15 February 2007. The BBC refused to provide the information requested as it found that it *'fell outside the scope of the Act because the BBC, Channel 4 and S4C are covered by the legislation only in respect of information held for purposes other than journalism, art or literature'*. The BBC confirmed that it was not obliged to supply this information as it is held for the purpose of creating its output (i.e. its programmes) or supports and is closely associated with these creative activities. The BBC informed the complainant that it does not offer an internal review when the information requested is not covered by the Act. It explained that if the complainant was not happy with the decision he could appeal to the Information Commissioner.

The Investigation

Scope of the case

4. On 15 February 2007 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the public interest in knowing how public money is being used.

5. BBC Scotland is a regional division of the BBC with regional programming such as Reporting Scotland. The Commissioner has viewed request 1 to be a request for BBC Scotland Journalists.

Chronology

6. The Commissioner began his investigation by writing to the BBC on 21 January 2008. The Commissioner asked the BBC for a copy of the withheld information, a more detailed explanation to support the application of the derogation and, without prejudice, for arguments under the Act to support withholding the information.
7. The BBC responded on 7 July 2008 providing the Commissioner with a detailed explanation to support its reliance on the derogation. In the alternative the BBC explained that it considered that to provide the requested information would exceed the appropriate cost limit and was therefore exempt under section 12 of the Act.

Analysis

The Schedule 1 derogation

8. Part VI of Schedule 1 of the Act states that the BBC is a public authority 'in respect of information held for purposes other than journalism, art and literature'. This is commonly referred to as the Schedule 1 derogation. Similar provision exists in relation to Channel 4 and S4C – as a group these organisations are called public service broadcasters (PSBs).
9. In order to determine the purpose for which information is held the Commissioner will apply a dominant purpose test. This means that where information is held for a number of purposes he will weigh these purposes against each other to determine the dominant purpose for which that information is held.
10. In this case the requested information relates to expenses claims of staff in BBC Scotland.

The BBC's view

11. The BBC believes that the Schedule 1 derogation applies broadly and therefore its scope includes information such as programme content but also extends to include multi-purpose information, such as financial information associated with programme production. The BBC consider that the dominant purpose for holding information is the critical factor in making a determination on whether information is held for the purposes of journalism, art and literature, or some other purpose.
12. The BBC state that:

'Details of expenses which are claimed by programme makers in the course of their duties are held for the purposes of journalism, art or literature and as such, fall outside the scope of the Act. Details of these expenses could cover items from travel, and accommodation for journalists to cover stories, books for research and even items to use as props, all essential to the production of the BBC's content...'

'Whilst the BBC accepts that production cost information can be held for multiple purposes, the BBC submits that it is the dominant purpose that is determinative as to whether or not the Act applies... The BBC maintains that the dominant purpose for holding this information is to support the production of content and, therefore the information is held for the purpose of journalism, art or literature. The expenses in this case are for items purchased by BBC staff which were required in order to carry out their programme making roles which they would not have to purchase were they not involved in programme making.'

13. In support of this view the BBC cite three sources:

- (a) The Commissioner's view in his Provisional Decision in the case of *Sugar v Information Commissioner*, EA/2005/0032 that this sort of budgetary information deals with the 'sustenance...of the creative journalistic purpose that the designation is meant to protect'.
- (b) Evidence given by Mr Richard Sambrook, Director of News at the BBC, in relation to appeal EA/2005/0032 to the Information Tribunal. He stated that

'Questions about how you make (various) selections or the resources that are available to make selections, might be characterised on the one hand as management, but they are absolutely core to journalism and determine both the quality, nature and character of journalism.'

- (c) A letter from the Home Office to the Department for Culture Media and Sport of 13 January 2000 which states:

'the Government has sought to ensure that...including them [the public service broadcasters] in the Bill does not place them at a commercial disadvantage to their commercial rivals. The Bill therefore provides that the inclusion of the public service broadcasters does not relate to information held for journalistic, artistic or literary purposes.'

14. The BBC acknowledge that the information also serves the purpose of helping it budget for programmes, monitor expenditure and comply with legal obligations. The BBC stated that for example it enabled BBC Scotland journalists to be reimbursed for programme making related expenses and enabled the BBC to monitor its expenditure against the agreed budgets for the year. However, the BBC state that the dominant purpose for holding the information at the time of the request was to support its programme making activities as the details of the

expenses reflect its creative decision making process and relate to the inception, planning and delivery of new content.

The Commissioner's view

15. The Commissioner has noted the arguments put forward by the BBC.
16. In the Commissioner's view the purpose of the derogation is to protect journalistic, artistic and literary integrity and to preserve a "creative space" in which programme makers can continue their core activities free from outside interference.
17. The Commissioner accepts that the requested information supports the creation of programme content. It is self evident that in the majority of cases some form of financial support is necessary to produce programme content. The BBC and the Commissioner agree on this point and as such he has not considered it further.
18. However, the Commissioner's view is that the requested information is held by the BBC for operational purposes in **addition** to being held for journalistic, literary and artistic purposes. The Commissioner believes that financial information serves a number of direct purposes, for example, it is used to budget, monitor expenditure, identify opportunities to improve efficiency and comply with legal obligations. This BBC has acknowledged that the information is also held for these purposes.
19. In the particular circumstances of this case, the Commissioner has found it useful to understand the Royal Charter which constitutes the BBC when considering these purposes. The Royal Charter in existence at the time of the request came into force on 1 January 2007 and is known as the 2006 Charter. Prior to this the Royal Charter in existence ran from 1 May 1996 to 31 December 2006 and was known as the 1996 Charter.
20. The Commissioner has taken note of the following provisions of the 1996 Charter as well as considering the provisions of the 2006 Charter applicable at the time of the request:
 - Article 7(1)(b) states that it shall be the functions of the Governors to *"satisfy themselves that all the activities of [the BBC] are carried out in accordance...with the highest standards of probity, propriety and value for money in the use of the Licence Revenue and moneys paid..."*
 - Article 18(1) states that the BBC's accounts shall be audited annually. Article 18(2) provides that the BBC *"shall...prepare an Annual Report...and attach thereto an Account or Accounts of the Income and Expenditure of the Corporation and...shall include in such Report such information relating to its finance, administration and its work generally..."*
21. The 2006 Charter has similar provisions to the 1996 Charter albeit with a new structure to reflect changes in corporate governance, via the BBC Trust, and the formalisation of the Executive Board as the executive body of the BBC with

- responsibility for the functions listed in paragraph 38 of the 2006 Charter; notably these include the operational management of the BBC, and the conduct of the BBC's operational financial affairs.
22. Under the 2006 Charter, the BBC Trust is the guardian of the licence fee revenue and the public interest (paragraph 23 refers). To fulfil this role the Commissioner understands the general functions of the BBC to include the following:
- (i) assessing the performance of the Executive Board in delivering the BBC's services and activities and holding the Executive Board to account for its performance;
 - (ii) representing the interests of licence fee payers and exercising rigorous stewardship of public money; and
 - (iii) to ensure that the Executive Board conducts the BBC's operational financial affairs in a manner best designed to ensure value for money.
23. Therefore the Commissioner believes that, as a result of the Charter, the BBC holds financial information to enable:
- (i) the BBC Trust to perform its role as 'guardian' under the Royal Charter by assessing the performance of the Executive Board; and
 - (ii) the Executive Board to manage the BBC's financial and operational affairs in a manner best designed to ensure value for money.
24. The expense claims constitute financial information and therefore serve a number of purposes. Where information is held for a number of purposes the Commissioner's approach is to consider whether the dominant purpose for holding that information is a purpose specified in the Schedule 1 derogation.
25. In this case the information requested serves the following purposes:
- (i) They supported the delivery of programme content;
 - (ii) They enabled the BBC to monitor its expenditure against its agreed budget for that year;
 - (iii) They enable the BBC to predict with some certainty future programming costs
 - (iv) They contributed to meeting the BBC's obligations to publish annual accounts.
 - (v) They contributed to the ability of the BBC Trust and the Executive Board to perform their respective functions and operational duties under the Royal Charter.
26. The final factor which the Commissioner has weighed, in coming to a decision on whether the derogation applies, is whether the approval of expense statements constitutes a creative decision.

27. A creative decision would relate to the inception, planning and delivery of new content. For example, the decision to use presenter X instead of presenter Y would tend to be a creative decision, based on the reputation and standing of the entertainer in the industry, but the determination of the level of remuneration for presenter X or Y would not be characterised as a creative decision.
28. In the context of this complaint, the decision to approve expenses could be considered as a creative decision as it may relate to specific programmes or planned programmes, however, the record of this approval is not as it does not provide information relating to a specific programme but merely reflects that an expense claim has been submitted and authorised.
29. After carefully balancing these competing purposes, the Commissioner finds that the requested information was, or was more likely to have been, held by the BBC for predominantly operational purposes (including financial, management and administrative purposes) and not for journalism, literature or art. As a result, the Schedule 1 derogation is not applicable to the expense statements and the BBC is a public authority with regard to this information.

Exemption: Section 12 'Cost Limit'

30. Section 12 of the Act does not oblige a public authority to comply with a request if the authority estimates the cost of complying with the request would exceed the appropriate limit. The Appropriate Limit and Fees Regulations 2004 set a limit of £450 to the cost of complying with a request for all public authorities subject to the Act not listed in Schedule 1 part I. The cost is calculated at a rate of £25 per person per hour, which therefore translates to 18 hours of staff time. In estimating the cost of complying a public authority can take the following into account:
 - determining whether it holds the information requested,
 - locating the information or documents containing the information,
 - retrieving such information or documents, and
 - extracting the information from the document containing it.
31. The BBC has explained why it believes that to supply each element of the complainant's requests would exceed the appropriate cost limit as outlined below.

Request 1: Number of Rejected expenses claims

32. The BBC stated that most expense claims are submitted for authorisation using its e-Expenses system. On this system there are a number of ways that a claim can be rejected during the claim process. There is a monetary limit for private accommodation, where if a person inputs an amount over the limit as outlined in the BBC's Expenses policy, the system will not allow the person to proceed with the claim. In these circumstances no information will be recorded on the e-Expenses system about the claim not being accepted.

33. For other expenses, the BBC explained that if a claim is not in line with its Expenses policy the specific claim will be automatically flagged as a violation on the system. When the expense claim is sent to the Authoriser for approval they can either approve the claim or reject it to the claimant in order for them to supply further information to support the claim or to adjust the claim to bring it within the appropriate limit. The claimant can make the amendments and if the authoriser accepts the claim it will be resubmitted to the e-Expenses system as approved.
34. The BBC's third party service provider of its e-Expenses system can also reject a claim which has been through the initial stages of the system and authorised. The claim may be rejected at this stage for a number of reasons such as lack of a valid receipt. The fact that the claim has been rejected will be noted in a field on the e-Expenses system and then referred back to the claimant for amendment and resubmission.
35. The BBC explained that it also had a fast-track expenses system for dealing with claims less than £100 where no violations to the BBC Expense Policy are generated. These are submitted to an Authoriser but do not have to be approved before going to its third party e-Expenses provider to check the claim. If it is outside of the Expenses Policy it will be referred back to the claimant for amendment and resubmission, however, it cannot then be fast-tracked again.
36. The BBC stated that it also has a facility for manual expenses in which associated paper work and receipts are provided by the claimant to the Authoriser who can either refer the expense back to the claimant for further information if it is not in line with its Expenses Policy, or accept the claim, authorise the claim and forward it to the e-Expenses provider. The e-Expenses provider can also reject a manual claim and they will note this on a free-text facility on the account. The paper work will be returned to the Authoriser for amendment and resubmission but is not processed through the e-Expenses system.
37. The BBC stated that it is able to run a report to provide the number of claims in BBC Scotland and the cost of the claims in total but is it not able to run a report which will capture all BBC Scotland's rejected expenses. Even if it could run such a report it would be unlikely to capture all the information as there are two systems for automatic expense claims and manual expense claims, also some of the claims, such as private accommodation, are dealt with differently and claims can be rejected at a number of stages some of which would not be captured in the report. The BBC stated that whilst it could complete a manual audit of the information, this would be a monumental task as it would need to check the expense profile of each member of staff in BBC Scotland and review their expense claim history to determine which claims they have submitted and whether they were rejected. Currently there are 1100 full time staff employed at BBC Scotland not including contractors and part time staff. The BBC state that it would need to go through its e-Expense system and through all the manual files for the time period requested to identify the claims falling within the scope of the request and to do so for each member of staff would take more than two and a half days (18 hours) and so exceed the appropriate limit.

Request 2: Total cost of expense claims by staff on Reporting Scotland

Request 4: Travel expenses claimed by staff on Reporting Scotland

Request 5: Hotel and accommodation expenses claimed by staff on Reporting Scotland

38. The BBC explained that expenses claims are not recorded against the specific programme but by department. This means that staff working on Reporting Scotland enter the charge code for their news department when they submit claims, not a specific code unique to Reporting Scotland.
39. To determine the specific expenses for Reporting Scotland and then those relating to travel, hotel and accommodation expenses would require the BBC to examine each claim made by staff working in the new department between February 2006 and February 2007 and assess whether it involved work undertaken specifically for Reporting Scotland or input to any other TV / radio / web output (which would involve cross-checking each with the programme running order over a year). The BBC would also then (to find the information in requests 4 and 5) need to assess if the expense claims related to travel, hotel and accommodation.
40. The BBC explained that there are currently 281 individuals in the news room with over 2500 claims over the period in question. Therefore to locate the information requested would take more than 18 hours works and exceed the appropriate limit.

Request 3: Rejected expense claims by staff on Reporting Scotland

41. The BBC explained that the reasons why it would be unable to comply with this element of the request are the same as those outlined in paragraphs 32-40. It would need to do a manual search of all expense claims for members of staff working in BBC Scotland's newsroom to assess whether the claim involved work specifically undertaken for Reporting Scotland and whether any claims were rejected.
42. The Commissioner has considered the fact that in this case, it is clear from the scope of the request and from the explanation provided by BBC on the expenses procedures, that to comply with the request would exceed the appropriate cost limit. The Commissioner has considered the fact that the request is for specific programme related expense claims, for those rejected and for claims relating to a specific activity. The Commissioner is therefore satisfied that to provide the complainant with all the information sought would exceed the appropriate limit.

Section 16 'Duty to provide advice and assistance'

43. Section 16 of the Act provides public authorities with a duty to provide advice and assistance. In most cases of this nature the Commissioner would expect the public authority to go back to the complainant and ask them to refine their request in order to bring it within the cost limit. However, in this case, as the BBC's position was and remains that the information is derogated, the Commissioner did not deem it appropriate to ask the BBC to undertake this course of action until the derogation issue had been resolved.

44. However, as the Commissioner has found that the information requested is not covered by the derogation, he now requires that the BBC should contact the complainant to ask him to refine his request to see if it is possible to bring it within the cost limit.

Section 17 'Refusal of Request

45. Section 17(5) states that a public authority which is relying on a claim that section 12 applies must within the time for complying with section 1(1) give the applicant a notice which states that fact.
46. As the BBC was relying on the Schedule 1 derogation, its refusal notice of the 15 February 2007 did not explain which exemptions it considered applied to the requested information. Technically this is in breach of the requirements of section 17(5) of the Act.

The Decision

47. The Commissioner's decision is that the BBC failed to deal with the following elements of the complainant's request in accordance with the Act:
- (i) The information covered by the request is held by the BBC for a dominant purpose other than that of journalism, art or literature. Therefore the BBC has not dealt with the request in accordance with Part 1 of the Act in that it failed to comply with its obligations under section 1(1).
 - (ii) The BBC breached section 17(5) of the Act by failing to explain its reliance on section 12(1).
 - (ii) The BBC breached section 16(1) as it failed to provide advice and assistance to the complainant
48. However, the Commissioner has decided that the following aspects of the request were dealt with in accordance with the Act
- (i) The information covered by the request is exempt from disclosure under section 12(1) of the Act.

Steps Required

49. The Commissioner requires the BBC to contact the complainant to offer advice and assistance in accordance with the section 45 Code of Practice and section 16(1) of the Act.

Other Matters

50. The Commissioner notes that there is no statutory requirement for a public authority to provide a breakdown as to how they have reached their estimate but as a matter of good practice they should, if only to try to avoid cases being passed to the ICO and thereafter to avoid decision or enforcement notices or practice recommendations being issued against them. The Tribunal offered support for this approach in the case of *Gowers and the London Borough of Camden (EA/2007/00114)* in which it was said that a public authority should demonstrate how their estimate has been calculated:

“...a public authority seeking to rely on section 12 should include in its refusal notice, its estimate of the cost of compliance and how that figure has been arrived at, so that at the very least, the applicant can consider how he might be able to refine or limit his request so as to come within the costs limit...” (para 68).

51. Whilst the BBC provided a detailed explanation on the application of section 12 it did not provide a specific breakdown. The Commissioner invites the BBC in future cases to provide such a breakdown.

Right of Appeal

52. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

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.

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

Dated the 14th day of August 2008

Signed

**Anne Jones
Assistant Commissioner**

**Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF**

Legal Annex

General Right of Access

Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

Section 1(2) provides that -

“Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.”

Section 1(3) provides that –

“Where a public authority –

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.”

Section 1(4) provides that –

“The information –

(a) in respect of which the applicant is to be informed under subsection (1)(a), or

(b) which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.”

Section 1(5) provides that –

“A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).”

Section 1(6) provides that –

“In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.”

Exemption where cost of compliance exceeds appropriate limit

Section 12(1) provides that –

“Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.”

Section 12(2) provides that –

“Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.”

Section 12(3) provides that –

“In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.”

Section 12(4) provides that –

“The secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority –

- (a) by one person, or
- (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.”

Section 12(5) – provides that

“The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are estimated.

Duty to provide Advice and Assistance

Section 16(1) provides that -

“It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it”.

Refusal of Request

Section 17(1) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

Section 17(2) states –

“Where–

- (a) in relation to any request for information, a public authority is, as respects any information, relying on a claim-
 - (i) that any provision of part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or
 - (ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and
- (b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2, the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached.”

Section 17(3) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

- (a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or
- (b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Section 17(4) provides that -

“A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information.

Section 17(5) provides that –

“A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.”

Section 17(6) provides that –

“Subsection (5) does not apply where –

- (a) the public authority is relying on a claim that section 14 applies,
- (b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
- (c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.”

Section 17(7) provides that –

“A notice under section (1), (3) or (5) must –

- (a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and
- (b) contain particulars of the right conferred by section 50.”