

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 9 March 2010

Public Authority: The British Council
Address: 10 Spring Gardens
London
SW1A 2BN

Summary

The complainant requested information from the British Council (the Council) relating to the International English Language Testing System (IELTS). The Council did not disclose the information, relying upon sections 12 and 14 of the Act. The Commissioner found that the Council had acted correctly in refusing to disclose the information under section 12 as the appropriate cost limit would have been exceeded. The Council was not correct to apply section 14 to the request. He found that it had breached sections 1(1)(a), 16(1), 17(5) and 17(7) 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). This Notice sets out his decision.

Background

2. IELTS is a test which assesses the English language ability of non-native speakers. The results of the test are used by organisations such as academic institutions, immigration authorities and professional organisations as part of their entry requirements. The Council is one of the three IELTS partners who own and administer the test.

3. The complainant made a request to the Council on 15 February 2007 relating to audits of the IELTS examinations. He was provided with some information in relation to that request and the content of that information, among other things, motivated him to make a further request to the Council for information relating to IELTS. That further request is the subject of this Decision Notice.

The Request

4. On 26 June 2007 the complainant made the following request for information to the Council:

"Could you please supply me with information relating to the monitoring of British Council IELTS Examiners during the years 2003 - 2006.

Please provide the following information:

- 1). *Total number of IELTS examiners by module i.e. Speaking and Writing for each of the 4 years. (average number per year is fine or monthly/quarterly if easier to provide)*
- 2). *As 1). but for British Council IELTS examiners only*
- 3). *Total number of IELTS examiners whose marking was monitored, i.e. checked by an Examiner Trainer or Senior/Principal examiner, for each of the four years. This should NOT include re-marking that is not part of a monitoring process such as the re-marking of jagged profiles, Enquiries on Results, certification and recertification.*
- 4). *As above for British Council IELTS examiners only*
- 5). *Total number of Enquiries on Results.*
- 6). *Total number of Enquiries on Results - British Council only.*
- 7). *Total number of Enquiries on Results where the band score of one or more modules was changed.*
- 8). *Total number of Enquiries on Results where the band score of one or more modules was changed - British Council only.*

9). Total number of Enquiries on Results where the band score of one or more modules was increased.

10). Total number of Enquiries on Results where the band score of one or more modules was increased - British Council only.

11). Total number of Enquiries on Results where the band score of one or more modules was decreased.

12). Total number of Enquiries on Results where the band score of one or more modules was decreased - British Council only".

5. The complainant contacted the Council on 3 July 2007 as he had not received any acknowledgement of his request. The Council responded on 6 July 2007 to assure him that his request had been received and would be responded to within the 20 working day time limit as set out in the Act.
6. On 12 July 2007 the Council issued a refusal notice to the complainant. That notice failed to confirm or deny whether it held the requested information. The refusal notice stated that the complainant had made earlier related requests for information. To provide responses to these, when aggregated together with this current request, would far exceed the cost limit of £450. The Council added that, even without aggregating the requests, the cost of providing the response would still far exceed the £450 limit.
7. The refusal notice further stated that the Council considered the volume and nature of the complainant's requests to be "vexatious," by virtue of their effect, i.e. in diverting the Council's resources away from responding to other requests for information under the Act.
8. The complainant requested a review of the Council's decision on 14 July 2007. On 17 July 2007 the Council wrote to the complainant stating that it was refusing to carry out an internal review of its original decision, on the grounds as set out in its original refusal notice.

The Investigation

Scope of the case

9. On 22 July 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 following points:

- The Council's refusal to conduct an internal review of its decision.
- The Council's application of the cost limit as set out in section 12 of the Act.
- The Council's statement that the requests were "vexatious".
- The Council's failure to provide advice and assistance as required by section 16 of the Act.
- The Council's failure to confirm or deny whether it held the requested information.
- The Council's failure to outline its appeals procedure and provide details of the right to appeal to the Commissioner.

Chronology

10. On 5 August 2008, the Commissioner wrote to both the complainant and the Council in relation to the handling the complainant's request for information. This letter addressed two complaints lodged with the Commissioner and was followed up by a second letter believed to be more relevant to this complaint dated 21 August 2008. There then followed a number of communications between the Council and the Commissioner in relation to what was believed to be the investigation of this complaint.
11. On 4 April 2009, it transpired that the complaint which is the subject of this decision notice (the IELTS complaint) had been overlooked by both the Commissioner and the Council during the initial investigation. The reason for this was that the complainant had submitted multiple complaints to the Commissioner on similar dates and some confusion had arisen regarding the allocation and investigation of these. The complainant has accepted that this confusion had occurred but asked that the Commissioner now investigate the IELTS complaint.
12. On 11 May 2009, the Commissioner contacted the Council requesting its submissions regarding its application of sections 12 and 14 and the alleged procedural breaches in relation to the IELTS complaint and further expedited the matter on 17 June 2009.
13. On 26 June 2009, the Council provided its response to the Commissioner.
14. On 8 September 2009, the Commissioner's staff met with the Council to discuss the IELTS complaint. During that meeting the possibility of informal resolution was discussed. The Commissioner was of the view that communications had broken down between the two parties and wrote to the complainant on 11 August 2009 to update him of the progress of his investigations and to suggest that the complainant

enter into fresh dialogue with the Council in an effort to resolve the matter. The complainant wrote to the Commissioner on 19 September 2009 requesting that the Commissioner proceed to a Decision Notice in this matter. The Commissioner contacted the complainant on 23 September 2009, in a final effort to informally resolve the matter. However the complainant requested that the Commissioner proceed to a Decision Notice.

15. On 17 December 2009, the Council provided the Commissioner with further information on the IELTS partnership, the information on IELTS held by the Council and more detail in respect of the rationale used to formulate the search methodology that brought the request over the £450 cost limit.

Analysis

Substantive procedural matters

Section 14 – vexatious or repeated requests

16. Section 14(1) of the Act provides that:

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”

17. The Council’s refusal notice dated 12 July 2007 stated that the Council considered the complainant’s request to be “vexatious”. The Council explained its view that, whether intended by the complainant or not, the volume and nature of the complainant’s requests impacted upon the BC by diverting resources away from answering other requests made under the Act. The Commissioner has considered the test he has set out in awareness guidance 22 on section 14:
 - Can the request fairly be seen as obsessive?
 - Is the request harassing the authority or causing distress to staff?
 - Would complying with the request impose a significant burden?
 - Is the request designed to cause disruption or annoyance?
 - Does the request lack any serious purpose or value?
18. Having considered the circumstances of the case the Commissioner finds that the requests can be characterised as persistent but they do not meet the threshold to be classed as vexatious. The Commissioner’s approach to section 14 is set out in awareness

guidance 22¹; if the main concern is the cost of compliance, the Commissioner recommends that public authorities should first consider section 12 rather than section 14. It is unlikely that burden alone would be justification for relying on section 14, it will be this factor in combination with others that may justify reliance. The Commissioner has considered the Council's application section 12 below. The requests and correspondence show the complainant was starting to become obsessive in pursuing the request but the complainant was pursuing an issue of legitimate concern and, to some extent, the Council's handling of his requests contributed to the pattern of requests that emerged. The Commissioner therefore finds that the Council was incorrect to rely on section 14.

Section 1(1)(a)

19. Section 1(1) of the Act states 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."

20. In the Act, the duty of a public authority to comply with section 1(1)(a) of the Act is referred to as "the duty to confirm or deny".

21. The complainant, in his initial letter to the Commissioner, asked the Commissioner to investigate the Council's failure to confirm or deny whether it held the requested information.

22. In so far as procedural grounds are concerned, if a public authority chooses to rely upon section 12 as a reason not to disclose information in response to a request, it must determine whether a search for the information would exceed the cost limit as set out in the Fees Regulations. Section 12(2) does not exempt the public authority from its obligation to confirm or deny whether it holds the requested information unless the cost of complying with that paragraph alone would exceed the appropriate limit. However, it should still consider providing advice and assistance in order to help the requestor narrow or refine their request.

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http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf

23. However, the Commissioner is of the view the Council was aware at the time of the request that it held the information relevant to the request related to the British Council but it did not hold information for wider IELTS partnership.
24. In light of the above, the Commissioner concludes that the Council was in a position to confirm or deny whether it held the information and its failure to do so was in breach of section 1(1)(a) of the Act.

Section 12 – cost limit

25. Section 12(1) of the Act states:

“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.”

26. The appropriate limit (the cost limit) is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations), the wording of which is set out in the Legal Annex to this Notice. A public authority, when calculating the cost of providing any requested information, may only take into account the cost of determining whether it holds the requested information, locating, retrieving and extracting that information. The cost limit is currently set at £450 for all public authorities (other than central government) and equates to 2.5 days (18 hours) work at a rate of £25 per hour.
27. The Fees Regulations also allow for the aggregation of the costs of complying with two or more related requests where these relate to the same or similar information and are received by the public authority within any period of sixty consecutive working days (regulation 5(2)).
28. The Commissioner notes that the Council considered whether it would be appropriate to aggregate the complainant's request to that of his previous requests but concluded that it was not necessary. The Council estimated that compliance with the request of 26 June 2007 alone would exceed the cost limit. Therefore the Commissioner decided he would not investigate the issue of aggregation of the previous requests in relation to the cost limit if the 26 June request exceeded the limit. He has only considered whether the Council correctly applied section 12 to the requested information in this particular case.
29. The Commissioner notes that in this case the complainant has made more than one request within a single item of correspondence. Section 12(4) provides that, in certain circumstances set out in the Fees Regulations, requests can be aggregated so that 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. Regulation 5 of the Fees Regulations sets out the relevant condition in this case and provides that multiple requests can be aggregated in circumstances where the two or more requests relate to any extent, to the same or similar information. Although this test is very broad, it is possible that one or more requests may not meet this test and the Commissioner has therefore considered whether he is satisfied that the requests relate to the same or similar information. The Commissioner is satisfied that the requests do relate to the same or similar information and can therefore be aggregated.

30. The issue of what constitutes a reasonable estimate in relation to the cost limit was considered by the Information Tribunal in the case of *Roberts*². The Commissioner is assisted by the Tribunal's approach as set out in paragraphs 9 -13 of the decision:

- "Only an estimate is required" (i.e. not a precise calculation)
- The costs estimate must be reasonable and only based on those activities described in Regulation 4(3)
- Time spent considering exemptions or redactions cannot be taken into account Estimates cannot take into account the costs relating to data validation or communication
- The determination of a reasonable estimate can only be considered on a case-by-case basis and
- Any estimate should be "sensible, realistic and supported by cogent evidence".

31. The Tribunal went onto suggest that producing an estimate requires a process of both investigation and assessment/calculation. At paragraph 12, the Tribunal said:

"...The investigation will need to cover matters such as the amount of information covered by the request, its location, and the hourly rate of those who have the task of extracting it. The second stage will involve making an informed and intelligent assessment of how many hours the relevant staff members are likely to take to extract the information..."

32. Following this approach, the Commissioner has considered the way in which the Council investigated, assessed and calculated that the cost of the activities required in extracting the requested information would exceed the cost limit.

33. In relation to fulfilling the complainant's request, the Commissioner notes that the request was for several categories of information broken further down into several subsets (12 questions in total). The Council

²EA/2008/0050

informed the Commissioner that it does not hold all the information relevant to all the categories of information within the complainant's request. The Commissioner sought further clarification on exactly what information relevant to the request was held by the Council who responded as follows to each of the 12 Parts of the complainant's request (as set out in paragraph four above):

1. The Council holds information directly relevant to the British Council. The Council does not hold information for the wider IELTS partnership.
2. The Council have advised that at the time this request was received, they did not hold a database for this type of information. The Council advised that the test centres were largely autonomous with responsibility resting with each individual test centre to hold this data. The Council has the right to request this information and have advised that some of the information was held at the time of the request for those centres directly administered by the Council – but not all British Council IELTS centres.
3. The Council have advised they do not hold information for the wider IELTS partnership.
4. The Council have advised that British Council IELTS centres may have kept records which would provide evidence of marking being monitored but the only way of checking this would be to analyse payment records in each IELTS centre from that period. The Council further stated that the records would not distinguish between the categories excluded by the applicant in question 3 of his request. The Council further advised that any attempt to break down payments for each centre would take many hours – even for the smaller volume centres. Archived records would need to be retrieved and viewed.
5. The Council advised they only hold information directly relevant to the British Council and they do not hold information for the wider partnership.
6. The Council advised it has retrieved some old data files from 2005 to 2008 but it cannot authenticate the fullness or accuracy of this data. The Council advised the Commissioner that such data would not ordinarily be held for a period greater than two years. This is because the IELTS test score is only valid for this amount of time. In order for the Council to authenticate the data they have retrieved, the Council would need to go back to each individual test centre and establish if they still held the data. They would expect this not to be

the case on the basis there is no requirement on them to retain the information.

7. The Council advised it only holds information that is directly relevant to the British Council but not the wider partnership.
8. The Council advice has previously indicated that there is only partial data available of Enquiry on Results for the period referred to.
9. The Council again advised it only holds information that is directly relevant to the British Council but not the wider partnership.
10. The Council advised has previously indicated that there is only partial data available of Enquiry on Results for the period referred to.
11. The Council have advised that scores are not decreased.
12. The Council have advised that scores are not decreased.
34. The Council confirmed to the Commissioner that it only holds IELTS records for the tests that it's own British Council test centres administer. The Council then went on to provide the Commissioner with information on the structure of the IELTS partnership and how it operates.
35. IELTS is jointly managed by three partners consisting of the British Council, University of Cambridge ESOL and IDP Education Australia (a private sector partner). The Council advised the Commissioner that all three organisations work together with each bringing their own expertise and strengths to the partnership. Broadly speaking, Cambridge ESOL has responsibility for IELTS test development and production, transmission of the test materials, monitoring of results and test research. The Council and IDP administer the worldwide network of IELTS testing centres which involves both operational and communications activities. Operations include registration for the test, providing a safe and secure test environment on test day and ensuring accurate and prompt results on delivery.
36. The Council informed the Commissioner IELTS examinations are carried out in 188 British Council test centres in 115 different countries throughout the world, administered by the relevant IELTS partner. In 2003-2004 there were 491,415 IELTS candidates, increasing to 554,778 candidates in 2005-2006.
37. The Council have advised the Commissioner that the information the complainant seeks is not held globally by the Council, however

Cambridge ESOL has oversight of all British Council and IDP data. Whilst the Council has access to the British Council data, it is only in a position to request it from its partners but has no automatic right to the information. The Council have advised the Commissioner that for them to confidently confirm or deny whether the information does or does not exist, it would have to find that information and process it in order to respond to the request. This is because the Council does not routinely maintain the total figures requested. The Council advised that in cases where it does have access to data, for example, enquiries on results, it can in theory state that the information on total numbers could and should exist – but because of the volume of the data and its dispersed nature, the Council is unable to give assurances about the accuracy of any total without significant investment and as such it has advised that it would be too costly to confirm or deny whether it holds the information in all of the areas as detailed in the complainant's request.

38. The Council informed the Commissioner that no special record is kept of enquiries on IELTS results. Therefore, in order to collate the requested information, a search would need to be undertaken in all of the 188 IELTS test centres. The Council estimated that a search for one year alone would be likely to take at least one hour per test centre, which if aggregated over three years would amount to around 564 hours. The Council advised the Commissioner that its rationale for the one hour per year estimate was an arbitrary one and not based on any detailed analysis but was more of a useful starting point to provide an example that demonstrated the resource requirements associated with fulfilling the request. The Council believe it would in fact take much more than one hour per test centre to provide the complainant with the information he requested, but have advised that this theory has not been tested. The Council did provide an example which the Council believed demonstrated their rationale for refusal on the basis of the cost limit was a sound one.
39. The Commissioner accepts that the absence of a specific record of enquiries relating to IELTS results held centrally would necessitate a search of individual IELTS test centres. He also accepts that an estimate of a one hour search per test centre appears reasonable, given the fact that the number of IELTS candidates is so high for each year relevant to the complainant's request. He therefore accepts that the cost of locating, retrieving and extracting the requested information would be far in excess of the 18 hours' and £450 limit set out in the Fees Regulations.
40. Having considered the above information, the Commissioner is satisfied that section 12(1) is engaged in relation to the request of 26 June 2007.

Section 16 – duty to provide advice and assistance

41. Section 16(1) of the Act 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”.

42. Section 16(2) states that:

“Any public authority which in relation to the provision of advice and assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case”.

43. The Code of Practice issued under section 45 of the Act (the Code) provides guidance to public authorities in carrying out their duties in relation to the Act. The Code includes suggestions in relation to the nature of the advice and assistance that public authorities should provide in relation to section 16 of the Act. In relation to cases where the public authority has refused a request on the basis of section 12, the Code suggests that:

‘...the authority should consider providing an indication of what, if any, information could be provided within the cost ceiling. The authority should also consider advising the applicant that by re-forming or re-focusing their request, information may be able to be supplied for a lower, or no, fee.’ (paragraph 14).

44. The Commissioner has enquired as to whether or not the Council would have been able to offer advice and assistance in order to assist the complainant in refining the scope of his request. The Council’s view is that it would be difficult to formulate any reasonable alternatives to the request given the huge number of IELTS candidates involved and the fact that not all of the information is held by the Council. The Commissioner acknowledges the complainant’s request was wide ranging and issues surrounding how the information held were complex. However, he finds that it would have been possible for the Council to offer further explanation as to how the information was held and the volumes to enable the complainant to consider how to refine his request.

45. The Council acknowledged that it did not, at the time of the complainant’s request, investigate the possibility of providing any information within the cost limit. It accepts that it did not offer the

complainant the opportunity to re-form or re-focus his request so that it would fall within the cost limit.

46. The Commissioner finds that the Council failed to comply with section 16 of the Act. However, given the explanations now given in this notice he does not consider it relevant to set out a step to remedy this breach.

Section 17 – refusal of request

47. Section 17(5) states 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.”

48. Section 17(7) states that:

“A notice under subsection (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.”

49. The Council informed the complainant in its refusal notice dated 12 July 2007 that it was relying on sections 12 and 14 of the Act as a basis for non-disclosure of the requested information. However, the Council rather than citing section 12, simply described the section. The Commissioner finds the Council breached section 17(5) as set out above.
50. The refusal notice did not provide details of the Council's appeals procedure nor did it state that it did not have such a procedure. It also failed to advise of the complainant's right, under section 50 of the Act, to apply to the Commissioner for a decision as to whether his request for information had been dealt with in accordance with the Act. The Commissioner therefore finds that the Council breached section 17(7) of the Act by not providing those details.

The Decision

51. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act:
- The Council correctly relied upon the cost limit as set out in section 12 of the Act as a basis for refusal to disclose the requested information.
52. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:
- The Council breached section 1(1)(a) of the Act as it failed to confirm or deny it held the requested information.
 - The Council failed to provide the complainant with advice and assistance as required by section 16(1) of the Act.
 - The Council breached section 17(5) of the Act as it failed to specify the section 12 exemption in its refusal notice.
 - The Council breached section 17(7) of the Act as it failed to provide the complainant with particulars of its appeals procedure or of the complainant's right to apply to the Commissioner for a decision under section 50 of the Act.

Steps Required

53. The Commissioner requires no steps to be taken.

Other matters

54. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:
55. The complainant asked the Commissioner to consider the fact that the BC did not carry out an internal review of its decision not to provide the complainant with the requested information. Part VI of the section 45 Code of Practice (the "Code") makes it desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information. Paragraph 38 of the Code recommends:

"Any written reply from the applicant (including one transmitted by electronic means) should be treated as a complaint...These communications should be handled in accordance with the authority's complaints procedure..."

56. The Commissioner enquired, during the course of his investigation, why an internal review of the Council's original decision had not been carried out. The BC stated that, given the fact that the request had been deemed to be vexatious, any decision to conduct an internal review would have meant acceding to the vexatious nature of the request and thereby undermining the Council's rationale for its application of section 14 to the request.
57. The Commissioner considers that the Council's rationale for refusing to conduct a review, which is based on the grounds that the act of reviewing would have the effect of acceding to a vexatious request is flawed and relies on the assumption that the initial decision taken in relation to the request was correct. In addition to relying on circular reasoning, this approach also does not conform to the recommendations of the Code, paragraph 39 of which recommends that (an internal review procedure):

"...should provide a fair and thorough review of handling issues and of decisions taken pursuant to the Act....It should enable a fresh decision to be taken on a reconsideration of all the factors relevant to the issue."

58. Although the Commissioner's specific guidance³ in this matter was not available at the time the request for review was received, this advises public authorities to keep records of procedures followed and reasoning applied when applying section 14. Authorities should be prepared to justify and review decisions, initially to complainants and subsequently to the Commissioner, should requests become the subject of an appeal. The Commissioner expects that, in its future handling of requests and complaints, the Council will have regard for the recommendations of the Code and his own guidance in these matters.

³ "Vexatious or Repeated Requests", published 3 December 2008, viewable on the ICO website here: http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf

Right of Appeal

59. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

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

60. 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.
61. 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 9th day of March 2010

Signed

Steve Wood
Assistant Commissioner

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

Legal Annex

The Freedom of Information Act 2000

Section 12: cost limit

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 to be estimated.

Section 14: Vexatious or repeated requests

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

(2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

Section 16: Duty to provide advice and assistance

(1) 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.

(2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.

Section 17: Refusal of request

(1) 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.

...

(5) 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.

(6) 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.

(7) A notice under subsection (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.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

3. - (1) This regulation has effect to prescribe the appropriate limit referred to in section 9A(3) and (4) of the 1998 Act and the appropriate limit referred to in section 12(1) and (2) of the 2000 Act.

(2) In the case of a public authority which is listed in Part I of Schedule 1 to the 2000 Act, the appropriate limit is £600.

(3) In the case of any other public authority, the appropriate limit is £450.