

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 30 March 2011

Public Authority: Department for Culture, Media and Sport
(DCMS)
Address: 2-4 Cockspur Street
London
SW1Y 5DH

Summary

The complainant asked the DCMS (the “public authority”) to provide information relating to EnglandNet. The public authority refused to disclose this using the exemptions in sections 12, 27, 42 and 43 of the Freedom of Information Act 2000 (the “Act”). During the course of the investigation it determined that it wished to cite section 12 in relation to the entire request.

The Commissioner’s decision is that compliance with the request would exceed the appropriate limit. He has not therefore considered the applicability of the other exemptions. The complaint is not upheld.

The public authority’s handling of the request also resulted in breaches of certain procedural requirements of the Act as identified in this Notice.

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. The following background information is available online¹.

“A complaint was made to the European Commission in July 2006, alleging that the use of grant-in-aid to fund some aspects of VisitBritain’s EnglandNet project amounted to a case of State Aid. However, VisitBritain anticipates that the outcome of the case could be positive for all parties.

VisitBritain files VAT and other tax returns in many jurisdictions throughout the world. Tax returns contain matters that could be subject to different interpretations of applicable tax laws and regulations. The resolution of tax positions through negotiations with relevant tax authorities, or through litigation, can take several years to complete. VisitBritain currently has an outstanding case with the French Tax Authorities (FTA), which carried out a VAT audit of VisitBritain’s activities in France during 2007 and early 2008. As a result of this audit, the FTA issued an assessment for the repayment of VAT that had been previously claimed. While it is difficult to predict the ultimate outcome in this case, VisitBritain and their tax advisors consider that the assessment is both incorrect in terms of the interpretation of the facts and in law. The appeal process involves a number of stages and to date has resulted in the abandonment by the FTA of the penalties of 253k€.

A complaint against VisitBritain and a company called Mindmatics was filed in the Los Angeles federal court on 4 September 2009. It is a class action complaint for damages and injunctive relief. It alleges that in 2006 VB sent unsolicited text messages advertising Britain as a destination to consumers’ cell phones in contravention of the US Telephone Consumer Protection Act. Under this Act it is unlawful to make any call to a person within the United States using any automatic telephone dialling system (ADT) without the prior express consent of the called party.

Statutory damages awardable under the Telephone Consumer Protection Act are \$500 for each plaintiff class member”.

¹ <http://www.official-documents.gov.uk/document/hc1011/hc01/0121/0121.pdf>

The request

3. On 12 December 2009 the complainant made the following request for information about EnglandNet:

"Copies of all email and paper-based correspondence from January 2006 to date between DCMS Ministers and/or officials and VisitBritain, VisitEngland, Visit Wales, VisitScotland and any English Regional Development Agency regarding VisitBritain's EnglandNet/NTOP platform

Copies of all email and paper-based correspondence from January 2006 to date between DCMS Ministers and/or officials and DTI, BERR and BIS (or any other title of the same Ministry) regarding VisitBritain's EnglandNet/NTOP platform".

4. This request was refused on the basis of the cost limit and the complainant was invited to submit a refined request.

5. On 11 January 2010 the complainant submitted the following alternative request:

"I have to say I am surprised at the extent of correspondence concerning EnglandNet that you indicate exists and also the estimated time that it would take to identify and retrieve this., especially considering the efficiency of modern document retrieval systems.

However, if it would help to clarify my request by simply stating 'relating to the State Aid complaint and to budgetary matters' as inserted below, then this would be perfectly acceptable to me.

Copies of all email and paper-based correspondence relating to the State Aid complaint and to budgetary matters from January 2006 to date between DCMS Ministers and/or officials and VisitBritain, VisitEngland, Visit Wales, VisitScotland and any English Regional Development Agency regarding VisitBritain's EnglandNet/NTOP platform

Copies of all email and paper-based correspondence relating to the State Aid complaint and to budgetary matters from January 2006 to date between DCMS Ministers and/or officials and DTI, BERR and BIS (or any other title of the same Ministry) regarding VisitBritain's EnglandNet/NTOP platform".

6. On 23 January 2010 the complainant chased an acknowledgement of his request. This was received on 26 January 2010 and he was advised that a response would be sent by 8 February 2010.
7. On 8 February 2010 the public authority emailed the complainant to advise him that it did hold information within the scope of his request but that it needed additional time to consider the balance of the public interest in disclosure. It cited the exemptions under sections 27 and 36, both of which may require a public interest test. It gave a revised response time of 8 March 2010.
8. On 8 March 2010 the public authority wrote to the complainant extending its response time and saying that it hoped to respond: *"no later than 5 April 2010"*.
9. On the 6 April 2010 the public authority extended its response time to 16 April 2010 *"at the very latest"*. The response was sent on this day.
10. The public authority disclosed some information but withheld the remainder under the exemptions at sections 21 (information available by other means), 27(1) (international relations), 36(2)(b) (prejudice to effective conduct of public affairs), 42 (legal professional privilege) and 43(2) (commercial interests). It further advised that some information was already available by other means, namely press releases which were in the public domain.
11. On 21 April 2010 the complainant wrote to the public authority and advised that he was *"considering asking for an internal review"*. He raised issues of timeliness and also commented on the public authority's interpretation of the differences between the two requests made and its lack of reference to the *'budgetary matters'* element of his request.
12. On 6 May 2011 the public authority made a further response specifically responding to the *'budgetary matters'* element, stating that compliance with this would exceed the appropriate limit.
13. On 18 May 2010 the complainant asked for an internal review. He made reference to both requests made, timeliness issues, the application of the appropriate limit and the citing of exemptions, other than section 42.
14. On 24 June 2010 the public authority sent out its internal review. It apologised for the delays incurred, provided some further information and removed reliance on section 36.

The investigation

Scope of the case

15. On 29 August 2010 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.
- Timeliness issues and *"obstruction and delay"*.
 - The continued application of the cost limit despite him revising his request.
 - The public authority's *"responsibility to maintain an effective document management and retrieval process to enable them to comply with the law"*.
 - The citing of exemptions.
 - His wish to now have section 42 considered.

Chronology

16. On 20 December 2010 the Commissioner wrote to the complainant to advise him that he was starting his investigation and to clarify its scope. The complainant sent a response on 21 December 2010.
17. On 6 January 2011 the Commissioner raised queries with the public authority. He also asked to be provided with copies of any information withheld under the exemptions cited and further asked for clear identification to indicate where each exemption had been applied. Having received no acknowledgement he chased one on 11 and 13 January 2011. One was received on 13 January 2011.
18. In a conversation on 24 January 2011 the Commissioner was advised by the public authority that the person who had previously dealt with the request was no longer working there and that there was no record as to which exemption had been applied where and to what extent any searches had been made to ascertain what information was in fact held.
19. On 31 January 2011 the Commissioner received copies of the information to which exemptions were being applied. (Further comments about this can be found in *'Other matters'* at the end of this Notice).

20. On 14 February 2011 the public authority sent a response which included: *"a batch of papers produced by way of an initial trawl for information in relation to [the complainant]'s revised request..."*.

21. It also advised the Commissioner that:

"On reflection, I think that the original case handling and internal review should firstly have noted that the request was not seeking any specific information; it instead sought various documents. The response ought to have therefore refused the request and asked [the complainant] to set out which specific information he was interested in.

DCMS now suggests that the case be treated as it should have been originally. However, should the ICO consider that it is now too late to revert to seeking a revised request, I would point out that the current case does in fact appear to be over the cost limit".

It went on to include an estimate of costs.

22. On 16 February 2011 the Commissioner advised the public authority that:

"Although the Act provides a right of access to 'information' rather than 'copies of documents', requests may refer to specific documents as a way to describe the information requested. The Commissioner's view is that a request for documents should generally (unless the context makes clear that this is not the case) be interpreted as a request for all of the information recorded in those documents. This is how I would interpret the request in this particular case and I do not believe it is appropriate to revert to the complainant at this late stage."

He also sought further information about the citing of section 12.

23. On 7 March 2011 the public authority sent a full response. It changed its previous position and applied section 12 to the whole request.

Analysis

Substantive procedural matters

Section 12 – cost of compliance

24. The Commissioner has chosen to exercise his discretion in this case to accept the late citing of section 12(1) and 12(4) by the public authority to the full request. However, section 17(5) of the Act requires that the complainant should be informed of a claim that section 12(1) applies within 20 working days of receipt of a request. The public authority failed to comply with this requirement in this case, as recorded below in *'Procedural requirements'*, and the public authority should seek to avoid similar breaches of the Act in future.
25. As to the reasoning for the decision to allow the late citing of section 12(1), when drafting the Act, Parliament intended that a public authority should not be obliged to comply with a request where the cost of doing so would exceed an appropriate cost limit (subsequently set at £600 for central government and £450 for all other public authorities). The estimate should be based on factors as they applied at the time of the request even if the public authority is applying section 12(1) late, as in this case.
26. The Commissioner has taken the general approach that to refuse to accept the late citing of section 12(1) would contradict the intention of Parliament that a public authority is not obliged to comply with a request if to do so would exceed the appropriate cost limit. The Commissioner has, therefore, decided to consider the application of section 12(1) in this Notice. The Commissioner has advised the complainant of this decision.
27. 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".*
28. 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."

29. For clarity, there is no public interest element to consider when looking at section 12, which serves merely as a cost threshold. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "fees regulations") provide that the limit for central government public authorities is £600. The fees regulations also provide that the cost must be calculated at the rate of £25 per hour, providing an effective time limit of 24 hours, and that the tasks that can be taken into account as part of a cost estimate are as follows:
- determining whether the information requested is held;
 - locating the information;
 - retrieving the information;
 - extracting the information.
30. The task for the Commissioner in considering whether section 12(1) has been applied correctly is to reach a decision as to whether the cost estimate made by the public authority is reasonable. The analysis below is based upon the description provided by the public authority in support of its cost estimate.
31. Having analysed the correspondence, the Commissioner believes that there are two subsections of section 12 which are particularly relevant to this case.
- Section 12(1): removes the public authority's obligation to provide requested information where the cost of identifying, locating, retrieving and extracting the requested information would exceed the appropriate limit.
 - Section 12(4): allows a public authority to aggregate the cost of compliance with multiple requests in certain circumstances.
32. Analysis of the application of section 12 in relation to this case has therefore been as follows.
- Has the complainant made one request with multiple parts or multiple requests in one letter?
 - If the latter, can any of the requests be aggregated?
 - Would compliance with the request exceed the appropriate limit?

Has the complainant made one request with multiple parts or multiple requests in one letter?

33. The appropriate limit has been applied to all five parts of this request. Section 12(4) can be engaged where one person makes two or more requests. It allows for the aggregation of these requests for the purpose of calculating costs in circumstances which are set out in Regulation 5 of the Fees Regulations . This Regulation provides that multiple requests can be aggregated where two or more requests relate, to any extent, to the same or similar information.
34. Given the effect of section 12(4), the Commissioner first considered whether the complainant's letter of 11 January 2010 constituted a single request with multiple elements or multiple requests. The Information Tribunal considered a similar issue in *Fitzsimmons v ICO & Department for Culture Media and Sport* [EA/2007/0124] .
35. Taking the Tribunal's decision in *Fitzsimmons* into consideration, the Commissioner would characterise the complainant's letter as containing more than one request within a single item of correspondence.

Can all parts of the request be aggregated?

36. Having established that the complainant has made multiple requests in a single letter, the Commissioner went on to consider whether those requests could be aggregated for the purpose of calculating the cost of compliance. The public authority has advised the Commissioner that:

"We would also wish to aggregate the costs of searching for information on 'budgetary matters' with the 'rest of the request'.

In terms of carrying out the search for information, the breakdown would be between information on 'budgetary matters' and information 'relating to the state aid complaint' contained in correspondence with various organisations, as set out in Mr Archdale's request. (The breakdown is not strictly speaking budgetary matters / non-budgetary matters. There would be various 'non-budgetary matters' which were not linked to the state aid issue, or information which was not sent between the various organisations)".

37. The Commissioner notes that all parts of the request relate to the same topic, namely "State Aid". The Commissioner has therefore concluded that it is reasonable for them to be aggregated for the purpose of calculating the cost of compliance because they follow an overarching theme.

38. Having reached this conclusion, the Commissioner will next consider the application of section 12(1). This removes the public authority's obligation to provide requested information where the cost of identifying, locating, retrieving and extracting the requested information exceeds the appropriate limit.

Would compliance exceed the appropriate limit?

39. The public authority provided the Commissioner with the following explanation in its first response letter of 14 February 2011:

"As DCMS officials began reviewing the papers you received in order to ascertain more precisely what exemptions should apply, it soon became clear that at least some of the information included in those papers was not related to the revised terms of the request and was therefore out of scope. It would still be a very large task to identify and extract all the relevant sections from the batch of documents. We consider that doing so would likely be over the cost limit set out by the Act (in addition to work already carried out whilst copying the documents)."

40. In relation to any information held concerning "budgetary matters" it further elaborated:

"The difficulty with quantifying the work involved with any reliable degree of accuracy is that the phrase 'budgetary matters' is both vague and broad, and also the request covers the period back to 2006. The request does not seek just the main items of information, but seeks 'all' documents which mention budgetary matters to any extent in communications with various public bodies.

In relation to the papers you received, the policy team holds a few paper folders on England Net which were quick to identify. But in order to find information on 'budgetary matters' we would also need to check wider finance, legal and tourism electronic and paper files, as well as the personal emails of staff.

There are currently 7 staff working directly on tourism policy. There are also roughly around 20 other staff around the department (for example in our briefing and correspondence section, press office, private office, finance section, legal directorate etc.) who handle aspects of tourism policy as part of their wider duties. Up to March 2008 there was a 'tourism division' within the Department of around 25-30 staff, whose numbers have since decreased, and for whom it would now be

harder to identify relevant emails etc. I think the time involved in retrieving/extracting information once it was identified would be relatively minor, but the main difficulty is determining whether the information is held and locating it; not least because the request is so broad. Routine correspondence with other departments and arms length bodies is not generally logged on our correspondence database, and there would be no easy way of locating it all without manually sifting through general filing areas. It is impossible to provide an accurate estimate of A and B above as it would be unclear how wide a range of files officials would need to check. However, I have carried out a few indicative searches on our systems:

Electronic records management system (introduced April 2008)

- *'EnglandNet' / 'England Net' – around 1,150 search results*
- *'Tourism' – 227,756 search results.*

Records Centre database (logs registered paper files)

- *EnglandNet – 10 files*
- *Tourism – 1732 files (not all would be within date range – but the reporting mechanism does not immediately show the age of the file)*
- *Finance – 2239 files (again, not all would be in the date range)*

This would appear to be well in excess of the cost limit, and I have not yet estimated the number of relevant emails and older electronic documents”.

41. In its subsequent letter of 7 March 2011 the public authority sent a further response having decided that it wished to aggregate the cost of complying with all parts of the request. It advised as follows:

“State aid issues within correspondence

The papers we have sent to you are the full contents of the policy folder on England Net held by our Leisure Business Relations team. Its contents are not limited to information relating to the state aid complaint / budgetary matters, and neither is all of it correspondence between organisations, so it would be necessary to read through it to assess how much was relevant to the request. I estimate that this would take around 7 hours to do so. It would then be necessary to go through the papers again to extract the information from the sections that are not relevant to the request. These documents are now only held in paper copy, so it would be necessary to carry out various manual

photocopying, or typing out contents of sections of documents. I estimate that this would take roughly 5 hours.

It is also likely that further information on the state aid case would be held in our legal section. Our legal adviser has estimated that it would take around 2 hours to identify the relevant information. I assume that some level of extraction would also be needed.

I also said in my previous email that a search on EnglandNet' / 'England Net' returned around 1,150 search results on our electronic filing system (introduced in April 2008). The system provides summaries of 10 documents on a page. It would be necessary to look briefly at each of the summaries of these documents to discard those which were obviously irrelevant. Assuming each page could be skim ready [sic] in a minute (which assumes a fairly fast work rate), that would equate to around 2 hours work. However, it would also be necessary to read through a proportion of the documents summarized in those pages to assess how much of it was relevant. It is very difficult to estimate this work without actually doing it, but I estimate that this would be likely to be around one day's work (7 hours).

Skim reading through the 10 registered files on EnglandNet in our records centre to assess whether any relevant information was held would be likely to take around 2 hours. Again, further manual extraction might be needed.

It would also be necessary to check records from our the electronic filing area before April 2008. Although there are some parts of that filing area which are clearly linked to EnglandNet, the request seeks 'all email and paper-based correspondence', so it would also be necessary to go through wider filing areas to search for the information. A colleague in the Tourism section carried out an intial [sic] search on 'EnglandNet' in their old filing area, and 45 minutes into the search the system had already returned 2,200 search results and had not even neared its conclusion. Also, the search facilities at the time were able to read the contents of index pdfs but not picture scan pdfs, so it would be necessary to open up a large proportion of the pdfs from the time to see what they contained.

Whilst the large majority of documents within the pre-April-2008 electronic filing area would be likely to be out of scope of the request, it would still be necessary to check through the search

results and read through various documents and I estimate this would take at least 7-10 hours of searching.

Budgetary matters

In order to locate all documents on 'budgetary matters', in addition to checking the above filing areas, it would also be necessary to search the filing areas of our Finance section.

Our records centre database of paper files shows 2239 containing 'Finance' in the title. It is possible that information on 'budgetary matters' in relation to EnglandNet could be within some of these various wider finance files. Although such information would be likely to be very limited, it would be necessary to skim read the summaries of these files as generated on the database in order to locate any relevant files. I estimate this would be at least 2 hours work. From there it may be necessary to retrieve various files and read through their contents to assess how much is within the scope of the request – again this would be likely to be several hours work, but it is impossible to quantify accurately without carrying out the exercise.

Some of the relevant information could also be on the old electronic filing area (pre 2008) of our finance section. As noted above, searching out the pre 2008 filing areas is substantially harder due to the limitations of our search facilities from the time. It would be impossible to quantify the number of documents which would need cross-checking accurately, but as an optimistic estimate I would expect it to take at least several hours. There would also be the issue of paper files which were not primarily about EnglandNet but which might include minor mentions of the information. Therefore, searching through our Finance section would be likely to be a massive job. In relation to carrying out the search, it does not help that 'budgetary matters' is so open to interpretation and therefore it is difficult to target the search towards a limited filing area".

Conclusion

42. It is the Commissioner's view that the public authority has provided adequate explanations – as quoted above – to demonstrate that it would exceed the appropriate limit to locate and extract the requested information for the first part of the request. As the Commissioner finds that the costs can be aggregated, he therefore concludes that to comply with the request as a whole would exceed the appropriate limit.

43. The Commissioner also notes that the complainant did not agree with the public authority's continued application of the cost limit, making the point that he had revised his original request. However, as referred to above, the Commissioner believes that it was the intention of Parliament that a public authority is not obliged to comply with a request if to do so would exceed the appropriate cost limit. Therefore, if revising a request still means that compliance would exceed the appropriate limit - as the Commissioner has concluded that it does in this case - then there is still no requirement to comply with the request.
44. As the Commissioner has concluded that compliance would exceed the appropriate limit it is not necessary for him to consider the application of any other exemptions.

Section 16 – advice and assistance

45. Section 16(1) (full text in the legal annex attached to this Notice) provides an obligation for a public authority to provide advice and assistance to a person making a request, so far as it would be reasonable to do so. Section 16(2) states that a public authority is to be taken to have complied with its section 16 duty in any particular case if it has conformed with the provisions in the section 45 Code of Practice in relation to the provision of advice and assistance in that case.
46. In respect of this particular case the Commissioner notes that, on receiving the first request, the public authority made the following suggestions as to how the complainant might revise his request, as required under the Act:

"Please note that since January 2006 there has been a large amount of information created and / or held by the Department for Culture Media and Sport on EnglandNet. In order to fully comply with the Act with regards to locating and extracting all the information we hold within the scope of your request, would unfortunately put us in excess of the cost limit provided. If you could perhaps clarify your request, specifying the aspect of EnglandNet you would like information on, then we will hopefully be able to help you further.

...If I can be of any further assistance, or if you would like help in clarifying your request, then please do not hesitate to contact me".

47. It subsequently received a further request, which the Commissioner has considered in this Decision Notice. Unfortunately this latter request was also found to exceed the appropriate limit.
48. The Commissioner finds that the public authority has shown in its response that it tried to help the complainant to both clarify and narrow down the request. Although this may not have been to the complainant's satisfaction the Commissioner believes that the public authority did take reasonable steps to assist.
49. Accordingly, the Commissioner concludes that it did not breach section 16.

Procedural requirements

Section 17 – refusal of request

50. Section 17(5)(a) of the Act 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”.

51. In exceeding the statutory time limit to inform the complainant of its application of section 12 to the full request, the Commissioner finds that the public authority breached section 17(5) of the Act.

The Decision

52. 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:
 - it correctly concluded that to comply with the request would exceed the appropriate limit.
53. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:
 - in exceeding the statutory time limit to inform the complainant of its application of section 12 to the full request it breached section 17(5).

Steps required

54. The Commissioner requires no steps to be taken.

Other matters

55. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern.

Additional requests

56. The Commissioner notes that when he sought an internal review on 18 May 2010 the complainant submitted two further information requests within the correspondence as follows.

- *"It would be helpful therefore to receive a schedule of items of correspondence in date order indicating for each its subject and the grounds under which it has been withheld."*
- *"I would request a schedule of documents relating to advice provided either by Treasury Solicitors or by VisitBritain".*

57. The Commissioner does not appear to have received a complaint about these from the complainant but he notes that it appears that the public authority has not responded to either of these requests.

Withheld information

58. Having requested copies of the withheld information these were duly sent to the Commissioner in the post. However, they arrived in a very poor state and the Commissioner was concerned that items might be missing.

59. The information had been put into a single paper envelope and, although partially taped, it had become badly torn. There was no return address, no covering letter and no compliment slip. Inside was a bundle of information that was held together by a single elastic band. Being concerned that something may have fallen out of one of the holes the Commissioner called the public authority. He was advised that no covering documents had been included.

60. Although he does not wish to add to any cost or burden to public authorities who are seeking to assist with his investigation, the

Commissioner is concerned that this information appears to have been dispatched in an insecure manner. Had the parcel contents become detached from the envelope it would have been very difficult for the information to be properly reunited with either the public authority or the Commissioner as neither party would have been obvious from the content.

61. The Commissioner would suggest that in future any such information is either sent out in a box or that it is double-enveloped or put in a reinforced envelope. He also believes the originator's details should be apparent from either the outside of the envelope, or, if this is considered to be a security risk, within a covering letter or compliment slip.

Right of Appeal

62. 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: 0300 1234504

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 sent.

Dated the 30th day of March 2011

Signed

**Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal annex

Section 16

- (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

- (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.