

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 June 2012

Public Authority: University of East London
Address: Docklands Campus
University Way
London
E16 2RD

Decision (including any steps ordered)

The complainant has requested information from the University of East London ("the University") regarding the University Vice-Chancellor's expenses for the financial year 2010-2011. The Commissioner's decision is that the University has correctly applied section 12(1) of FOIA as a basis for non-disclosure of the requested information. The Commissioner requires no steps to be taken.

Request and response

1. On 21 July 2011 the complainant wrote to the University and requested information in the following terms:

"In the last financial year (2010/11) please provide me with the following information in relation to your Vice-Chancellor:

1. What was the biggest claim he/she made on expenses for a restaurant meal? How much was it for, what was the name and address of the restaurant, how many people were paid for in the bill, what was the purpose of the meal and list the alcohol beverages that were bought.
2. What was the biggest claim he/she made on expenses for transportation? How much was it for, what type of transport was it, name the carrier and the class of ticket, give the destinations involved and the purpose of the travel.

3. What was the biggest claim he/she made on expenses for accommodation? How much was it for, give the name and address of the accommodation, the number of nights that the stay was for and the reason for the accommodation."
2. The University responded on 5 August 2011. It stated that it was withholding the information requested under section 12(1) of FOIA (where the cost of complying with the request would exceed the appropriate fees limit).
3. Following an internal review the University wrote to the complainant on 5 October 2011. It stated that the reviewer was upholding the original decision not to disclose the requested information under section 12(1) of FOIA.

Scope of the case

4. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
5. The Commissioner has considered whether the University applied section 12(1) of FOIA appropriately to the complainant's request for information.

Reasons for decision

6. The basis for non-disclosure in this case is section 12(1) of FOIA which states 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.'

7. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Fees Regulations") provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours.

8. If a public authority estimates that complying with the requests would exceed 18 hours, or £450, section 12(1) provides that the request may be refused.
9. The Commissioner will now consider whether the University was entitled to apply section 12(1) to the request.
10. A public authority can only take certain activities into account when assessing whether compliance with a request would exceed the cost limit. These factors are:
 - (a) determining whether it holds the information;
 - (b) locating the information, or a document which may contain the information;
 - (c) retrieving the information, or a document which may contain the information; and
 - (d) extracting the information from a document containing it.
11. The Commissioner asked the University to provide a detailed reasonable estimate of the time taken and costs that would be incurred by providing the information falling within the scope of the request. He also asked it to provide a detailed explanation as to how it had investigated, assessed and calculated those costs.
12. The University has informed the Commissioner that, as part of its records management system it compiles and holds data in order to meet its operational needs and to fulfil its statutory reporting requirements to relevant external bodies and auditors. Once these reporting obligations have been fulfilled, all of the copy records are transferred to off-site secure storage. This is done on a continuous basis throughout the year, up until the end of the University's financial year (31 July) in order to ensure the safe and secure storage of the records for the 6 year retention period as set out in the University's Business Information Classification Scheme, of which the Commissioner has had sight.
13. The University also informed the Commissioner that it is not required for any operational reason or statutory obligation to identify expense claims in relation to size/value, or to maintain comparable data which identifies the size of any specific claim in relation to any other claim. In order to respond to the request, it would be necessary for the University to consider all expenses claims made by the Vice-Chancellor

in the financial year 2010/11 in order to ascertain the largest value claim made in each of the 3 categories specified by the complainant.

Compliance with the request

14. The University has informed the Commissioner that, in order to comply with the complainant's request, it would be necessary for the University to retrieve most of the relevant documents from the off-site storage facility, carry out a manual process of identifying the relevant claims, extract the relevant information from the documents and then carry out a comparative analysis of the information in order to identify the largest value claim in each of the specified categories. Although the request was made prior to the end of the University's financial year, the University has advised the Commissioner that auditing is carried out throughout the year and accounting and financial records are transferred to off-site storage on an ongoing basis, once the auditing requirements have been carried out. There would only have been a maximum of one month's worth of records still held at the University at the time of the request.
15. In addition to this, the task of booking flights and accommodation on behalf of the Vice-Chancellor falls to several different University personnel. Therefore, it is not straightforward to identify the Vice-Chancellor's expense claims as they will have been made by a range of different staff within the University. The entry in the University's accounting system as it was in the financial year 2010/2011 would usually quote only the relevant company name, e.g. Key Travel, therefore it would be necessary to manually extract the relevant claims.
16. The University has carried out a comprehensive estimate of the costs that it would incur in locating, retrieving and extracting the requested information. This is as follows: -
 - Identifying and listing relevant offsite storage boxes with the repository holding microfiche and paper records=£100 (based on 4 hours of one staff member's time at £25 per hour).
 - Cost of the repository collecting and delivering approximately 50 boxes of data = £2500. This is based on a flat charge levied by the University's offsite storage provider, of £25 per box each way.
 - Identifying expense claims of the Vice-Chancellor for the period requested=£400 (based on 16 hours of one staff member's time at £25 per hour). Although the University cannot state precisely

how many claims were made by the Vice-Chancellor, it has made these time and cost estimations based on the manner in which the majority of the files are arranged in the off-site storage and the fact that it would have to go through all of the expense claims. These are not necessarily stored in precise chronological order as they are recorded by the date each invoice was received and generated rather than the date on the actual invoice.

- Copying of microfiche and papers=£100 (based on 4 hours of one staff member's time at £25 per hour).
 - Preparation of lists and records=£100 (based on 4 hours of one staff member's time at £25 per hour).
17. Section 12 makes it clear that a public authority only has to estimate whether the cost of complying would exceed the appropriate limit. It is not required to provide a precise calculation.
 18. The Commissioner's view is that, for an estimate to be reasonable, it must be "sensible, realistic and supported by cogent evidence" – as per the Tribunal in the case of *Randall v Information Commissioner and Medicines and Healthcare Products Regulatory Agency*.¹
 19. The Commissioner accepts that the University has considered the complainant's request carefully and has scoped the extent of the archived records that would have to be retrieved and searched in order for the University to obtain the data necessary to carry out the comparative analysis required by the complainant's request.
 20. The Commissioner accepts that the University's staff would have to go through each file manually in order to identify the relevant expense claims and to carry out a comparative analysis in order to determine the largest expense claim in each of the 3 specified categories. It is reasonable to assume also that this would not be a straightforward task as a number of individuals are able to book flights and accommodation on behalf of the Vice-Chancellor.
 21. The Commissioner accepts that the University has provided a reasonable estimate and in consideration of the number of files involved and the amount of staff time it would take to search through

¹ EA/2006/0004

these, is satisfied that to even search for the requested information and determine whether it is held would in itself exceed the appropriate limit of £450.

Advice and assistance

22. If the public authority estimates the cost of determining whether the information is held as being above the appropriate limit, it is not required to conduct searches but should consider providing advice and assistance.
23. The University has confirmed to the Commissioner that it is unable to provide any information to the complainant in order to enable him to refine his request. Even if the complainant refined his request to encompass only one of the areas set out in his original request, the University would still need to spend the same amount of time searching through the files in order to determine whether the information is held and this would still exceed the appropriate costs limit of £450. The University has also confirmed that it has consulted with the Vice-Chancellor's office. Neither the Vice-Chancellor nor anyone else in his office holds additional copies of these claims. All records of the claims have been handled in accordance with established accounting and auditing practices and moved to offsite storage.
24. The Commissioner finds that the public authority was entitled to rely on section 12(1), as to search for the requested information would, in itself, clearly exceed the appropriate limit.

Right of appeal

25. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

26. 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.
27. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

**Rachael Cragg
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