

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 3 February 2023

**Public Authority:** Department for Digital, Culture, Media and Sport

**Address:** 100 Parliament Street  
London  
SW1A 2BQ

#### **Decision (including any steps ordered)**

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1. The complainant requested information on multiple separate occasions relating to Her Majesty Queen Elizabeth II's Platinum Jubilee celebrations, the Lying in State and Funeral from the Department for Digital, Culture, Media and Sport (DCMS).
2. The Commissioner's decision is that DCMS was entitled to aggregate the requests under section 12(4) and was entitled to refuse to comply with the request under section 12(1) of FOIA. The Commissioner also finds that DCMS complied with its obligations under section 16 of FOIA to offer advice and assistance.
3. The Commissioner does not require DCMS to take any steps.

#### **Request and response**

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4. The Commissioner has noted DCMS has aggregated eight requests received between 2 October 2022 and 6 October 2022 as they are similar in context and overall scope.
5. On 6 October 2022 the complainant made their most recent request to DCMS in the following terms:

"SECURITY ARRANGEMENTS AROUND BUCKINGHAM PALACE AND WESTMINSTER AT THE LYING IN STATE AND FUNERAL OF THE

LATE HM QUEEN ELIZABETH II – APPLICATION UNDER THE  
FREEDOM OF INFORMATION ACT 2000 AND/OR THE  
ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the security measures around Buckingham Palace and Westminster during the lying in State and funeral of the late HM Queen Elizabeth II.

1. Regarding the use of Security Marshalls at the entrances to the closed roads and open spaces and in them regarding the lying in state of the late HM Queen Elizabeth II, including the procession from Buckingham Palace to Westminster Hall, were these engaged from a private security company or did the Dept. of Digital, Culture, Media & Sport or another Government Department engage them directly?
2. Which Government Minister or Junior Minister made the decision to employ security marshals, whether from a private security company or engaged by the Dept. of Digital, Culture, Media & Sport or another Government Department at the entrances to the closed roads and open spaces and in them regarding the lying in state and subsequent funeral of the late HM Queen Elizabeth II, including the procession from Buckingham Palace to Westminster Hall?
3. Are there any Government Decisions that decided that private security marshals would be engaged and employed regarding the above two events and if so, I request a copy of the relevant decision or decisions?
4. If private security companies were engaged as above, which firm or firms were chosen?
5. Did the private security marshals have any special or statutory powers to prevent members of the public from entering the closed road and open spaces or to give members of the public directions where they could go within the closed road and open spaces and if so what were the statutory powers or delegated authority that was given?
6. Are there any Government Decisions relating to this and if so, I request a copy of the relevant decision or decisions?" (sic)
6. The complainant's seven other requests for information can be found in the annex of this decision notice.
7. DCMS refused to comply with the requests citing section 12 (cost limit) of FOIA as its basis for doing so. The Commissioner notes that they

were not specific enough when citing this exemption. DCMS should have used subsection 12(1) when relying on cost limit of the aggregated requests. DCMS upheld this position at internal review.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 20 November 2022 to complain about the way that their requests for information had been handled.
9. The Commissioner considers the scope of this investigation to determine whether the Council was entitled to aggregate the requests in line with section 12(4) and refuse to comply with the requests under 12(1).

## **Reasons for decision**

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### **Section 12(4) – Aggregation of related requests**

10. When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Fees Regulations”) can be satisfied.
11. Section 12(4) of FOIA states:

“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.”
12. Regulation 5 of the Fees Regulations states:

“(1) In circumstances in which this regulation applies, where two or more requests for information to which section 1(1) of the 2000 Act would, apart from the appropriate limit, to any extent apply, 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 concern or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the total costs which may be taken into account by the authority, under regulation 4, of complying with all of them.

(2) This regulation applies in circumstances in which –

(a) the two or more requests referred to in paragraph (1) relate, to any extent, to the same or similar information, and

(b) those requests are received by the public authority within any period of sixty consecutive working days.

(3) In this regulation, “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

13. The Commissioner has reviewed the complainant’s eight requests aggregated by DCMS. These were submitted between 2 October 2022 and 6 October 2022. He is satisfied that all eight of the requests were made by the same complainant and within 60 working days of each other, fulfilling the criteria at regulations 5(1)(a) and 5(2)(b).
14. Having reviewed the wording of the complainant’s requests, the Commissioner is satisfied that there is an overarching theme in that they all request information concerning royal events. More specifically, the requests all relate to details of road closures, security arrangements, and the costs of the Jubilee celebrations, Lying in State and Funeral of Her Majesty Queen Elizabeth II.
15. The Commissioner, therefore, finds that DCMS was entitled to rely on section 12(4) of FOIA to aggregate these eight requests for information.

## **Section 12 – cost of compliance**

16. This reasoning covers whether DCMS is correct to apply section 12(1) (cost limit) of FOIA to the aggregated requests.<sup>1</sup> The appropriate limit for the DCMS in this case is £600 or 24 hours.<sup>2</sup>
17. DCMS considers that the cost of complying with this request would exceed the appropriate limit under FOIA. DCMS has explained that the

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/12>

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2004/3244/regulation/4/made>

information requests made covered a large number and wide scope of subjects surrounding Her Majesty Queen Elizabeth II's Jubilee celebrations, Lying in State and Funeral. DCMS also confirmed that the scope of the request would cover more than ten years' of recorded information, as preparations for such occasions have spanned over a decade.

18. In estimating whether complying with a request would exceed the appropriate limit, regulation 4(3) states that an authority can only take into account the costs it reasonably expects to incur in:
  - determining whether it holds the information;
  - locating the information, or a document containing it;
  - retrieving the information, or a document containing it; and
  - extracting the information from a document containing it.
19. The Commissioner has considered DCMS' rationale provided during his investigation.
20. DCMS has explained that addressing the range of topics covered within the information requests made would require it to engage with multiple teams. This would include the ceremonials, finance and commercial teams and ministerial private offices, therefore widening the breadth of the request and the time investment from them.
21. The Commissioner is satisfied that the arguments provided by DCMS above are reasonable. The volume of information that DCMS would have to search would far exceed the cost of compliance limit of £600.
22. In light of the high number of requests made, the very broad scope of the requests and the timeframe of information that would need to be searched and collated, the Commissioner's decision is that DCMS was entitled to rely on section 12(1) of FOIA to refuse to comply with the aggregated requests.

### **Section 16(1) – The duty to provide advice and assistance**

23. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45

code of practice in providing advice and assistance, it will have complied with section 16(1).<sup>3</sup>

24. The Commissioner notes that DCMS asked that in order for no breach of section 12(1) to occur, the complainant may wish to specify only one of the information requests made. This was advised in their substantive response, dated 20 October 2022. The Commissioner is therefore satisfied that DCMS met its obligations under section 16 of FOIA.

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<sup>3</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

## Right of appeal

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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: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

## **Annex A**

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### **The requests**

On 2 October 2022, the complainant wrote to DCMS and requested information for seven separate requests in the following terms:

#### **2 October 2022** (First request)

"Dear Sir/Madam

ROAD AND OPEN SPACES CLOSURES AROUND BUCKINGHAM PALACE AND WESTMINSTER AT THE LYING IN STATE AND FUNERAL OF THE LATE HM QUEEN ELIZABETH II – APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 2000 AND/OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the road and open spaces closures around Buckingham Palace and Westminster during the lying in State and funeral of the late HM Queen Elizabeth II.

1. Did the Dept. of Digital, Culture, Media & Sport make the Road and Open Spaces closures for the lying in state of the late HM Queen Elizabeth II, including the procession from Buckingham Palace to Westminster Hall?
2. Did the Dept. of Digital, Culture, Media & Sport make the Road and Open Spaces closures for the funeral and related processions of the late HM Queen Elizabeth II?
3. Was the Dept. of Digital, Culture, Media & Sport the "Traffic Authority" for these purposes?
4. If not, which Government Department or Local Government body was?
5. If so, when were the relevant Road Traffic and Open Space measures made and by whom?
6. Are these publicly accessible and if not why not?
7. If so, did the measures include provisions for preventing members of the general public from entering the closed roads and open spaces and monitoring and controlling those that had actually entered them?
8. What were the statutory provisions used for this purpose?



9. If the Dept. of Digital, Culture, Media & Sport the "Traffic Authority" for these purposes and made the relevant Orders, I request to be supplied with copies?" (sic)

**2 October 2022** (Second request)

"Dear Sir/Madam

TICKETS FOR THE ENCLOSED AREAS AROUND BUCKINGHAM PALACE AND WESTMINSTER AT THE JUBILEE CELEBRATIONS IN JUNE 2022 OF THE LATE HM QUEEN ELIZABETH II – APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 2000 AND/OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the tickets for entering the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II.

1. When was it decided that entry by ticket only to the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II would be required?
2. Which Government Department decided that entry by ticket only to the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II would be required?
3. Which Government Minister or Junior Minister decided that entry by ticket only to the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II would be required?
4. Are there any Government Decisions that decided that entry by ticket only to the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II would be required and if so, I request a copy of the relevant decision or decisions?
5. What were the arrangements made so that members of the general public could apply for tickets to enter the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II?

6. Were the tickets to enter the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II advertised and if so where?
7. Which Government Department advertised the tickets to enter the enclosed areas around Buckingham Palace and Westminster during Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II?" (sic)

**2 October 2022** (Third request)

"Dear Sir/Madam

COST OF THE PLATINUM JUBILEE CELEBRATIONS IN JUNE 2022 OF THE LATE HM QUEEN ELIZABETH II – APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 2000 AND/OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the Platinum Jubilee Celebrations in June 2022 regarding the late HM Queen Elizabeth II.

1. What is the total cost of the Platinum Jubilee Celebrations in June of the late HM Queen Elizabeth II?
2. Are there individual breakdown of the above costs for separate organisations?
3. If so what are the individual breakdowns and which organisations were involved?" (sic)

**2 October 2022** (Fourth request)

"Dear Sir/Madam

COST OF THE LAYING IN STATE AND FUNERAL OF THE LATE HM QUEEN ELIZABETH II – APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 2000 AND/OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the lying in State and funeral of the late HM Queen Elizabeth.

1. What is the total cost of the lying in state of the late HM Queen Elizabeth II, including the procession from Buckingham Palace to Westminster Hall?
2. What is the total cost of the funeral in Westminster Abbey and the preliminary and subsequent processions from Westminster Hall to Windsor Castle?

3. Are there individual breakdown of the above costs for separate organisations?

4. If so what are the individual breakdowns and which organisations were involved?" (sic)

**2 October 2022** (Fifth request)

"Dear Sir/Madam

SECURITY ARRANGEMENTS AROUND BUCKINGHAM PALACE AND WESTMINSTER AT THE PLATINUM JUBILEE CELEBRATIONS IN JUNE 2022 – APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 2000 AND/OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the security measures around Buckingham Palace and Westminster during the Platinum Jubilee Celebrations in June 2022 for the late HM Queen Elizabeth II.

1. Which Government Department made the decision to employ private security marshals at the entrances to the closed roads and open spaces and in them regarding the Platinum Jubilee Celebrations in June 2022 for the late HM Queen Elizabeth II?
2. Which Government Minister or Junior Minister made the decision to employ private security marshals at the entrances to the closed roads and open spaces and in them regarding the Platinum Jubilee Celebrations in June 2022 for the late HM Queen Elizabeth II?
3. Are there any Government Decisions that decided that private security marshals would be engaged and employed regarding the above event and if so, I request a copy of the relevant decision or decisions?
4. What is the name of the private Security Company that engaged the private security marshals for the Platinum Jubilee Celebrations in June 2022 for the late HM Queen Elizabeth II?
5. Did the private security marshals have any special or statutory powers to prevent members of the public from entering the closed road and open spaces or to give members of the public directions where they could go within the closed road and open spaces and if so what were the statutory powers or delegated authority that was given?
6. Are there any Government Decisions relating to this and if so, I request a copy of the relevant decision or decisions?

7. What were the costs of engaging the private security company for the Platinum Jubilee Celebrations in June 2022 for the late HM Queen Elizabeth II?

8. Which Government Department paid for the private security company?"  
(sic)

**2 October 2022** (Sixth request)

"Dear Sir/Madam

SECURITY ARRANGEMENTS AROUND BUCKINGHAM PALACE AND WESTMINSTER AT THE LYING IN STATE AND FUNERAL OF THE LATE HM QUEEN ELIZABETH II – APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 2000 AND/OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the security measures around Buckingham Palace and Westminster during the lying in State and funeral of the late HM Queen Elizabeth II.

1. Which Government Department made the decision to employ private security marshals at the entrances to the closed roads and open spaces and in them regarding the lying in state of the late HM Queen Elizabeth II, including the procession from Buckingham Palace to Westminster Hall?
2. Which Government Minister or Junior Minister made the decision to employ private security marshals at the entrances to the closed roads and open spaces and in them regarding the lying in state of the late HM Queen Elizabeth II, including the procession from Buckingham Palace to Westminster Hall?
3. Which Government Department made the decision to employ private security marshals at the entrances to the closed roads and open spaces and in them regarding the funeral and funeral processions?
4. Which Government Minister or Junior Minister made the decision to employ private security marshals at the entrances to the closed roads and open spaces and in them regarding the funeral and funeral processions?
5. Are there any Government Decisions that decided that private security marshals would be engaged and employed regarding the above two events and if so, I request a copy of the relevant decision or decisions?
6. At the funeral at Westminster Abbey who made the decision that the area immediately opposite the Abbey, and also the processional route from

Westminster Hall to the Abbey would not be accessible by members of the public,, and what were the reasons?

7. Are there any Government Decisions relating to this and if so, I request a copy of the relevant decision or decisions?

8. What is the name of the private Security Company that engaged the security marshals for both the Lying in State and Funeral and related processions events?

9. Did the private security marshals have any special or statutory powers to prevent members of the public from entering the closed road and open spaces or to give members of the public directions where they could go within the closed road and open spaces and if so what were the statutory powers or delegated authority that was given?

10. Are there any Government Decisions relating to this and if so, I request a copy of the relevant decision or decisions?

11. What were the costs of engaging the private security company for both of the both the Lying in State and Funeral and related processions events?

12. Which Government Department paid for the private security company?" (sic)

**2 October 2022** (Seventh request)

"Dear Sir/Madam

ROAD AND OPEN SPACES CLOSURES AROUND BUCKINGHAM PALACE AND WESTMINSTER AT THE PLATINUM JUBILEE CELEBRATIONS IN JUNE 2022 FOR THE LATE HM QUEEN ELIZABETH II – APPLICATION UNDER THE FREEDOM OF INFORMATION ACT 2000 AND/OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2000

I seek the following information concerning the road and open spaces closures around Buckingham Palace and Westminster during the Platinum Jubilee Celebrations in June 2022 for the late HM Queen Elizabeth II I.

1. Did the Dept. of Digital, Culture, Media & Sport make the Road and Open Spaces closures for the the Platinum Jubilee Celebrations in June 2022 for the late HM Queen Elizabeth II?

2. Was the Dept. of Digital, Culture, Media & Sport the "Traffic Authority" for this purpose?

3. If not, which Government Department or Local Government body was?

4. If so, when were the relevant Road Traffic and Open Space measures made and by whom?
5. Are these publicly accessible and if not why not?
6. If so, did the measures include provisions for preventing members of the general public from entering the closed roads and open spaces and monitoring and controlling those that had actually entered them?
7. What were the statutory provisions used for this purpose?
8. If the Dept. of Digital, Culture, Media & Sport the "Traffic Authority" for these purposes and made the relevant Orders, I request to be supplied with copies?" (sic)