

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 August 2023

Public Authority: Birmingham City Council
Address: Council House
Victoria Square
Birmingham
B1 1BB

Decision (including any steps ordered)

1. The complainant has requested information about all books held by the Library of Birmingham. Birmingham City Council ("the Council") refused to comply with the request under section 12(1) of FOIA (cost of compliance).
2. The Commissioner's decision is that the Council was entitled to refuse to comply with the request in accordance with section 12(1).
3. The Commissioner does not require further steps.

Request and response

4. On 5 February 2023, the complainant wrote to the Council and requested information in the following terms:

"Please can you provide details of all books held by the Library of Birmingham, including:

Author
Title
Publication Date
Date acquired by the library
ISBN number (if applicable)
Genre
Any other cataloguing information

With the intention of reducing the burden on the council for fulfilling this request, this data can be supplied with additional data if that reduces the processing time to handle the request. The request should not be overly time consuming as it should be a simple case of exporting from a database. I am willing to provide storage media if the data file is too large to email. I can accept the data in a wide variety of formats."

5. The Council responded on 16 February 2023. It stated that the information was already publicly accessible, by way of the public library catalogue.
6. Following an internal review, the Council wrote to the complainant on 20 April 2023. It revised its position and refused to comply with the request under section 12 of FOIA.

Reasons for decision

7. This reasoning covers whether the Council is correct to apply section 12(1) (appropriate limit) of the FOIA to the request.
8. The appropriate limit in costs for the Council, as a local public authority, is £450.
9. The Commissioner has asked the Council to provide its arguments for the application of section 12.
10. The Council has explained to the Commissioner that it does not have the ability to interrogate the underlying database, which relates to approximately 350,000 books, to extract the requested dataset. The Council has therefore asked the software provider (Civica) for advice; to which it has been advised that work can be done to add the required functionality to the database (the ability to extract records in bulk), at a charge of £625.

11. The Commissioner's public guidance on section 12¹ confirms that a public authority may include costs other than staff time, for example, the purchase of specialist software.
12. The Commissioner has considered the Council's argument and is satisfied that compliance with the request would exceed the appropriate limit of £450. Therefore, the Commissioner's decision is that the Council was correct to apply section 12(1) of FOIA to the request.
13. When section 12(1) is engaged the Commissioner will typically consider whether a public authority can provide appropriate advice and assistance to the requester, so that they may refine the request to within the appropriate limit.
14. In the circumstances of this case the Commissioner recognises that, to provide a lesser amount of the requested information, the Council would still need to pay for the required functionality to be added to the database before it could extract the information. In such a scenario the Commissioner considers that there is no reasonable advice and assistance that the Council can provide to refine the request to within the appropriate limit.

¹ https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Right of appeal

15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Daniel Perry
Senior Case Officer
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Water Lane
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