



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER (INFORMATION RIGHTS)**

EA/2015/0204

TONY MORRIS

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

Date of Decision: 23 March 2016

Hearing

Held on 3 February 2016 at Fox Court on the papers.
Before Anne Chafer, Nigel Watson and Judge Claire Taylor.

Decision

The appeal is upheld for the reasons set out below. As regards 'Ground A', the majority of the panel found that the Council had not been entitled to rely on s.12 Freedom of Information Act 2000, because it had not made a proper estimate. (See *paragraphs 30 to 36 and 39.*) The minority opinion found that section 12 had been properly applied. (See *paragraph 41*). The decision of the majority stands.

As regards 'Ground B', the panel unanimously found that section 16 had not been complied with and that the Commissioner should have exercised its discretion to require steps to be taken to rectify this.

Steps to be taken

1. Step 1: Within 15 working days from the date of this decision, the Appellant and West Sussex County Council ('Council') shall agree key search terms to be applied to electronic files so as to satisfy the Appellant's refined request set out in paragraph 7 below.
2. Step 2: If the Council and Appellant are unable to agree on the search terms required in step 1, the Council must apply the search terms provided by the Appellant. The Appellant may not provide more than 5 search terms, and they must be fully fit within the terms of his refined request.
3. Step 3: The Council must disclose all information held by it which falls within the Appellant's refined request on the following terms:
 - a. The disclosure is to exclude personal data, falling within section 40(2) of the Freedom of Information Act 2000;
 - b. As regards information held electronically, it is only required to provide information that falls within the refined request where this has been located, extracted or retrieved from an electronic search using the search terms set out in either step 1 or 2 (depending on which step is relevant);
 - c. For the avoidance of doubt, information held in paper form must also be provided; and
 - d. Step 3 must be satisfied within 28 working days from the date this decision being promulgated by being emailed to the parties and Council as the final decision.

Reasons

The Request

5. On 8 February 2015, the Appellant requested from West Sussex County Council ('Council'):

"It is increasingly disappointing that West Sussex County Council staff continue to make false allegations and inaccurate or misleading remarks about me and about the West Sussex Fire & Rescue Stop the Cuts campaign..."

In order to understand who is responsible and to enable me to take appropriate action, I will be grateful if you can provide me with the following information.

Copies of all West Sussex County Council emails and documents (electronic and paper) that refer to the West Sussex Fire and Rescue Stop the Cuts campaign. This should include all that contain any reference to:

*The West Sussex Fire & Rescue Stop the Cuts Facebook page,
The West Sussex Fire and Rescue Stop the Cuts blog,
Any generic reference to opposition to the Fire and Rescue Service 2015-16 budget,
Any generic reference to opposition to Future Fire & Rescue Phase Two,
Any reference to me by name or inference...*

The period covered by the request is for information from 20 August 2014 to the present time..."

6. On 11 February 2015, the Council replied without confirming whether it held the information requested. It explained that it was not obliged to comply with the request relying on s. 12 Freedom of Information Act 2000 ('FOIA'). It stated:

"We operate with over 8000 mailboxes, even using automated search mechanisms to search them all for the period August 2014 to date will take a very long time. A search through paper files for any of the references cited would also take considerable time. We estimate the cost of complying would exceed the appropriate limit of £450... If you were to make a new request for a narrower category of information, it may be that we could comply with that request within the appropriate limit, although I cannot guarantee that this will be the case. You may wish to ask for assistance in narrowing your request..."

7. On 11 February 2015, the Appellant replied, narrowing his request. He stated that he had not anticipated a search of all mailboxes and paper files where the vast majority would be highly unlikely to contain any relevant reference. In seeking to make his request more manageable, he amended it to:

"Copies of any emails and documents (electronic and paper) that refer to the West Sussex Fire & Rescue Stop the Cuts campaign, to or from, and in the mailboxes of the Chief Fire Officer, Deputy Fire Officer, Assistant Chief Fire Officer, the West Sussex Fire & Rescue Service Media Team, Councillor Louise Goldsmith and Councillor Lionel Barnard.

This should include all that contain any reference to:

*The West Sussex Fire & Rescue Stop the Cuts Facebook page,
The West Sussex Fire and Rescue Stop the Cuts blog,
Any generic reference to opposition to the Fire and Rescue Service
2015-16 budget,
Any generic reference to opposition to Future Fire & Rescue Phase
Two,
Any reference to me by name or inference ...”*

(Emphasis Added.)

8. On 17 February 2015, the Council replied stating part of the request constituted the Appellant's own personal data and sought a £10 handling fee for that subject access request. On 19 February 2015, the Appellant replied that he was not making a subject access request and that the focus of his request was the campaign and opposition to the budget, and not him.

9. On 10 March, the Council confirmed it held the requested information, stating:

“In light of the history of requests and the matters referred to in the letter to you from the Director ... of 9 March 2015, if a narrowed request is submitted, the Authority may consider the application of the exemption in s14 FOIA on the basis that the request is vexatious because it exposes the authority to a disproportionate burden or unjustified level of distress, disruption or irritation, in handling information requests.”

10. On 30 March 2015, the Appellant replied requesting an internal review:

“I cannot see how an automated search, using keywords, of a few email accounts can require 2 ½ working days to complete.

The letter from the Director of law has no bearing on my legitimate request for information.

The suggestion that a further narrowed request may be considered vexatious is inappropriate and appears to be intended to intimidate...”

11. On 15 April 2015, the Council confirmed that its review found that:

“The key support officers for the elected members ... advised that in order to interrogate the Members' electronic mail and respond to the individual elements of the request would take approximately one day per elected member. Further time would then be required to go through all hard copy correspondence dating back to 20 August 2014. Further officer time would also be required to undertake the same tasks for the Chief Fire Officer, Deputy Chief Fire Officer, and the West Sussex Fire and Rescue Service Media Team. The cost exemption does not simply cover the time it takes to search for the information, it includes the time it would take to locate, retrieve and extract the information. Therefore an automated search as that suggested by you would not be sufficient to deal with the whole process of responding to the request.”

12. The Appellant persevered. The Information Commissioner's Decision Notice of 17 August 2015¹ found that the Council (a) had correctly relied on section 12; (b) had breached s.16 FOIA by failing to provide advice and assistance to help the Appellant narrow his request so as to fall within the cost limit; and (c) was not ordered to take further steps. His reasoning included:

¹ Ref. FS50581127.

- a. Whilst the Appellant had suggested an automated search of its electronic records would enable the information to be identified within the cost limit, the Council's view was that this would not be sufficient to deal with the whole process of responding to the request.
- b. The Council had told the Commissioner that it would not be possible to search on the basis of an 'inference' as requested in the final part of the request because this would require a subjective interpretation by the officer undertaking any search, which would take additional scrutiny and time.
- c. The Council's Democratic Services team outlined the process to identify, locate, retrieve and collate information held by councillors. Whilst the request only referred to two councillors in order to identify information relating to the West Sussex Fire and Rescue Stop the Cuts campaign, it would be necessary to interrogate five mail boxes: the two councillors' mentioned, the Cabinet Member for Residents Services', the 'Talk with Us' mailbox and the generic Leader mailbox.
- d. At the time of the complainant's request, the two councillors had in total 1,462 emails in their inboxes. One of the councillors had a further 16,000 emails in her archive and many more in folders. The second councillor had further emails held in folders. The Member for Residents Services held a total of 14,118kb of emails and the 'Talk with Us' mail box held 9,550kb worth.
- e. The Council had confirmed that each Member's inbox would take approximately one day to search, and half a day each to search the 'Talk with Us' mailbox and the generic Leader mailbox.
- f. In addition, it estimated taking at least three days to search through:
 - at least five different electronic correspondence folders, each with 100s of letters in them;
 - County Local Committee (CLC) Facebook traffic in relation to the 'Stop the Cuts' Facebook page;
 - CLC minutes and correspondence as opposition to the budget cuts was expressed at meetings and in letters and emails.
- g. In addition, it estimated that each mailbox from the Chief Fire Officer, Deputy Fire Officer, Assistant Chief Fire officer and the West Sussex Fire and Rescue Service Media Team would take one day to search, which included searching archived material. The eight mailboxes concerned held 72,017 items in total at the time of the request.
- h. In addition, it estimated approximately five days to review at least twenty other folders associated with the 'Future Fire and Rescue Service Programme and the Governance Board'. These had over 100 files, some of which could fall within the definition of 'documents' that the complainant requested, such as meeting minutes, agendas, reports and press statements. Various social media responses would also have to be searched.
- i. In total, the Council told the Commissioner that it would take in excess of 20 working days (at seven hours per day) to comply with the request; to determine if it held the requested information, locate it, retrieve it and extract it.

- j. Whilst this seemed to the Commissioner to be a large amount of time, he recognised that if the Council held the information, it may not hold it only in individual email accounts that could be quickly searched electronically. Searching paper folders and files was time consuming. The Council also stated that it would need to search further afield, in social media sites.

13. The Appellant now appeals this decision.

The Task of the Tribunal

14. Our task is to consider whether the decision made by the Commissioner is in accordance with the law or whether any discretion he exercised should have been exercised differently. The Tribunal is independent of the Commissioner, and considers afresh the requester's complaint. The Tribunal may receive evidence that was not before the Commissioner, and may make different findings of fact from the Commissioner.
15. We have received the Appellant's grounds of appeal and the Commissioner's response as well as a bundle of documents. We have considered all of these documents, even if not specifically referred to below. The Council has not applied to be joined in this appeal, such that we have received no submissions from them.

The Law

16. A person making a request of a public authority for information is generally entitled to be informed in writing whether it holds the information requested, unless exemptions set out in the FOIA apply. If it holds the information, the public authority is generally required to disclose it subject to exemptions. (See *S.1(1)(a)and(b)FOIA*).

17. Section 12 FOIA provides:

'(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.'

18. Therefore, a public authority is not required to comply with a request for information if the authority estimates that the cost of complying would exceed the 'appropriate limit'.² For a public authority such as the Council, the 'appropriate limit' is deemed to be 18 hours of the authority's time.³
19. In making its estimate, a public authority may only take into account the costs it reasonably expects to incur in relation to the request in (a) determining whether it holds the information; (b) locating it, or a document which may contain the information, (c) retrieving it, or a document which may contain the information, and (d) extracting it from a document containing it. (See *regulation 3 of FIDP*).
20. Since legislation only requires an estimate, the public authority does not have to make a precise calculation of the costs of complying with a request. However, the estimate must be reasonable, which might mean 'sensible, realistic, and supported by cogent evidence'⁴. It will involve making an informed and intelligent

² See s12(1) and (2) FOIA.

³ See Regs 3 and 4(4) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004) which sets the 'appropriate limit'. For Government Departments, it is 24 hours.

⁴ See *Randall v Information Commissioner (EA/2007/0004)*.

assessment of how many hours the relevant staff members are likely to take to extract the information. Our task is not to insist that a public authority considers each and every reasonable method of locating and extracting information. We agree with the Tribunal in the case of Roberts⁵, that the reasonableness of the cost estimate is only undermined if an alternative method exists which is so obvious that disregarding it renders the estimate unreasonable.

21. Other Tribunals have considered the interrelationship between sections 12 and 16, and the importance of taking into account the latter. Section 16 provides:

'(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 [‘the Code’] is to be taken to comply with the duty imposed by subsection (1) in relation to that case.'

22. In other words, where the cost of complying with a request would exceed 18 hours of official time, the authority would be considered to have complied with the duty to advise and assist provided it has conformed with the Code.

"Where an authority is not obliged to comply with a request for information because, under section 12(1) and regulations made under section 12, the cost of complying would exceed the "appropriate limit" (i.e. cost threshold) 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 reforming or re-focussing their request, information may be able to be supplied for a lower, or no, fee." (Para. 14 of the Code)

23. In Fitzimmons⁶, it stated that if it is possible to comply with part of the request within the appropriate limit, then arguably, there was an obligation under section 16 of FOIA to engage with the requestor to see if the Request could be redefined or limited accordingly. In Brown⁷, it considered that an estimate would not be reasonable unless that public authority had considered whether with assistance and advice, the applicant could have narrowed or re-defined his request such that it could be dealt with without exceeding the cost limits in section 12.

The Issues

24. The Appellant's arguments might fairly be summarised as (a) the Commissioner erred in finding that the Council could rely on s12 FOIA ('Ground A'), and (b) the Commissioner in finding that the Council had not complied with s16 FOIA should have required steps to be taken to enable a refined request to be fulfilled ('Ground B').
25. The Commissioner has conceded Ground B and invited the Tribunal to substitute his decision notice to the effect that the Council is now directed to provide reasonable advice and assistance to the Appellant to enable him to refine his request. The Commissioner helpfully contacted the Council to inform it of its changed position. It was told that whilst the Council does not agree with the sentiment, it was not seeking to oppose the proposed substitution. We are

⁵ See Roberts v Information Commissioner (EA/2008/0050) para. 12 and 13.

⁶ See Fitzimmons v Information Commissioner and DCMS (EA/2007/0124) para.s 62, 65.

⁷ See Brown v Information Commissioner and the National Archives (EA/2006/0088).

informed that it (equally helpfully) stated that it would await the Tribunal's judgment and insofar as it directed any steps in relation to the provision of advice and assistance; it would comply.

Ground A

26. The Appellant's submissions include:

- a. The Council estimate was grossly exaggerated and without supporting evidence. The Council had attempted to suggest a vast amount of documents and folders needed to be searched so as to frustrate the request.
- b. Where the Council claimed a full search would be necessary, this was not correct as the request only concerned information regarding opposition to the Council's proposed Fire & Rescue Service cuts that had been communicated between specified Councillors and Council Officers, during the most recent six month period.
- c. The claim that there was a need to search various electronic correspondence folders, Facebook, and County Local Committee Minutes folders was false, as only communication between the named Councillors and Council Officers was requested. No such communication should be in those unrelated folders.
- d. The claims regarding the size of emails held were unbelievable. Only a few relevant files would need to be checked. He knew this because he had worked for the Council from the age of 22 until the age of 65, and was familiar with the way information was stored. In recent years there had been a concerted effort to manage information more effectively. That involved a move to electronic storage and all users were required to significantly reduce the amount of data that they hold in email and other electronic files. Additionally, information was separated in to subject related files to simplify the retrieval process. Consequently there would be no need to search all email folders, or all electronic files to find the information requested.
- e. With email folders in particular, the Council introduced a rigorous policy to ensure that no individual held large volumes of emails. Emails are automatically deleted after a set period (from memory 90 days), unless the user has confirmed that any need to be kept and has filed them. Even if Council policy had been so blatantly ignored, it would still not be necessary to search them all. The request on 8 February 2015 only asked for information going back six months to 1 August 2014. With the majority of files not being relevant to the request, the amount of checking would have been significantly less than claimed.
- f. Paper documents were also significantly pruned, with a strict retention policy in place to avoid unnecessary file storage. Paper storage was also being replaced with documents scanned and stored electronically with automatic removal in line with the retention policy. Those could also be quickly searched. Among the reasons given to staff for reducing the amount of information held was to make it easier to find information subject to FOIA requests, and that it would also reduce the amount of information to be supplied in response to those requests.
- g. The Commissioner should have questioned the Council's claims more rigorously.

- h. When he had worked for the Council, it had been normal practice for FOIA requests to result in emails being sent to [relevant] staff asking whether they held any information within the scope of specific requests. He was sure that if the people identified in the revised request had been similarly asked to forward information falling within the scope of the request, it could all have been gathered with minimum effort, time and cost. The information requested was recent, specific, controversial and would be very familiar to the people identified. Some may have been uncomfortable about sharing it, but that should not have prevented it being provided.
- i. If the Commissioner's decision was upheld, it would create a dangerous precedent, as public bodies would only need to claim the need for extensive searches to trigger the cost exemption and avoid the provision of any information whatsoever. There could be no legitimate excuse for not providing the information that was easily retrievable. With the subject matter only covering the latest six months, nearly all the information could, and should, have been provided. It would also seem to contradict the aims of FOIA if public bodies could avoid providing any requested information on the grounds that without an extensive search they could miss a piece of information that fell within the scope of the request.
- j. The information requested was of significant public interest, as it was required to prove, or disprove, apparent breaches of Council policies, national codes of practice, legislation, and the County Council Leader's public statements that the Council was 'honest and transparent'.

27. The Commissioner's submissions include:

- a. The Council had provided details of the total number of emails contained within the mailboxes and archives of the five named individuals caught by the request and the media team inbox. The Council had estimated that it would take approximately one working day per individual to locate; retrieve and extract relevant information.
- b. The Council had also indicated that it would need to search the emails of not only the two councillors named in the request but also the accounts of David Barling; the "Talk with us" mailbox and the Council Leader's mailbox. The Council suggested that it would take approximately one working day to search David Barling's account and one day to search the other accounts.
- c. The Council explained that to locate, retrieve and extract any further information about the West Sussex Fire & Rescue Stop the Cuts Facebook page; it would also need to search the Council Local Committee's ('CLC') Facebook traffic. Further, to locate any generic reference to opposition to the Fire and Rescue Service 2015-16 budget/budget cuts, the Council has also explained that it would need to search through CLC minutes and correspondence as such opposition was expressed at meetings and in letters. The Council has estimated it would take three days to search these electronic and hard copy records.
- d. The Council has also indicated that it would take approximately five days to search the meeting minutes, agendas, reports, press statements etc connected with the "Future Fire & Rescue Service" for any relevant information on opposition to the Fire and Rescue Service 2015-16 budget

and Phase Two.

- e. The Commissioner acknowledged that the Council had estimated that it would take a large amount of time to search all relevant sources of potentially relevant information particularly as it would appear that mailboxes and electronic records could be quickly searched by using simple search terms such as “Stop the Cuts campaign”. However, the request sought any emails and documents in either electronic or paper format in relation to both specific and generic categories of information. Thus, even if relatively obvious search terms could be used to locate information about, for example, the Fire and Rescue Service 2015-16 budget and/or the Future Fire & Rescue Phase Two, any information returned from those searches would still need to be manually interrogated to consider whether they fell within the scope of the requests which sought “generic references to opposition” to those two projects.
- f. The Commissioner also acknowledges that it is likely to take some considerable time to search paper records and/or manually check numerous emails or documents to see if any information contained therein would fall within the scope of the request. In any event, the Commissioner found that “...even if it took a quarter of the time that the Council has estimated, it would still take in excess of five days to comply with the complainant’s request, which would exceed the appropriate limit of 18 hours, under section 12...”

Ground B

28. The Appellant’s submissions include that (a) no reasoning was given to support the decision not to require the Council to take steps regarding its failure to comply with section 16; (b) the Commissioner considered the Appellant’s narrowed request was substantially similar where he had narrowed the search from over 8,000 mailboxes, is ‘substantially similar’ to just 10 mailboxes (2 Councillors and 8 employees) and had the Council co-operated, as required by section 16, the request could have been refined further to avoid the section 12 exemption.

29. The Commissioner’s submissions included that:

- (a) Under FOIA, it had no obligation to specify steps directing a public authority to provide advice and assistance where he has found a breach of section 16.
- (b) However, there was a discretion for it to do so, which would be appropriate given that the Council should be able to provide the Appellant with, at least, some relevant information held electronically under the appropriate limit.

Our Findings

Ground A

30. It did not seem to us that the Council’s estimate had been shown to be reasonable such that the requirements for reliance on section 12 have not been

met. This is because it did not seem to be supported by cogent evidence indicating how the Council could reach the numbers of days it came to. Nor did the estimate appear on the face of it to be sensible or realistic. Despite the Appellant raising reasonable objections, no proper breakdown seems to have been provided as to how the cost estimate was formed. The absence of a meaningful breakdown or analysis of how the seemingly large figure was reached made the estimate opaque and prohibitive of a sufficient level of scrutiny or assurance. This matter does not seem to have been properly probed at any stage.

31. From the information we have been given, we have no way of knowing whether the Council's estimate was barely anything more than a guess. For instance, the Council has stated that it would take a day to search each of the councilor's mailboxes, but we have no information on how that assessment was reached. Further, the estimate seems odd given the councilors seem to have a very different total of emails that it would take the same time to look through them, such that the it seems likely to be nothing more than a 'mere assertion'. It might have helped if the Council had shown that they had properly broken down the key elements of the task and then undertaken a sampling exercise, to demonstrate with some degree of precision the veracity of its calculation.⁸
32. Where we were given some information about the number of emails the councillors had, it is plausible that the numbers could have been substantially reduced after a quick electronic search using relevant search terms. Accordingly, we have sympathy for the Appellant's questioning of the length of time to search emails where an electronic search of terms could be relatively speedy. Although it is not clear how the Council reached its assessment, if, as it seems from the information before us that the Council has not relied on doing an electronic search of terms to narrow down the number of relevant emails, then they seem to have omitted an alternative method of searching which seems on the information before us to be so obvious such that disregarding it would render the estimate unreasonable, particularly where the requester suggested using an '*automated search, using keywords*'.
33. The Commissioner's responded to the Appellant's question in two ways. First, it stated that an automated search of the Council's electronic records would not be sufficient to deal with the whole process of responding to the request. The difficulty here was that as the different elements of the request were not properly quantified, neither the Appellant, Commissioner or Tribunal could have a way of knowing to what degree an automated search would quicken the process, albeit that one would normally expect it to do so by a great degree.
34. Second, it stated that whilst the assessment might seem long, this was not relevant because a paper search of documents was also necessary. This does not seem reasonable. This is because (a) there is no proper analysis given to justify how long the paper search might take; and (b) if the electronic search is considered to be wholly unreasonable, it is likely that the paper search similarly lacks rigour.
35. The Commissioner acknowledged that the estimated days were considerable, but decided that even if it took a quarter of the time, the appropriate limit would still have been reached. This logic seems problematic. It would mean that

⁸ For instance, it might have shown how many emails fell within one of the potential search terms (such as 'West Sussex Fire & Rescue Stop the Cuts Facebook page'), how many minutes it would then take to look at number of those emails, and extrapolate from that a total number of expected hours to satisfy the email search.

provided that a transgressing authority gave a sufficiently large number as its estimate (however random), it could be relied upon.

36. We consider the reasoning set out in paragraphs 30 to 35 above to be sufficient. However, additionally, we note that:

a) We accept the Appellant's point in paragraphs 26(b) and (c) above, because the Commissioner appears to have interpreted the request too broadly such that the estimate could not be accurate. (This is also evident from its description of the request in paragraph 29 of its Response of 16 October 2015). The statement in the Decision Notice repeating the Council's assertion that it would need to search further afield, in social media sites, also appears inaccurate. It is not clear quite how broadly a search the Council calculated for because there is no proper breakdown of the estimate; and

b) The Council stated that a request for an 'inference' would require additional scrutiny and time. (See paragraph 12(b)). Again, without having been given any real or proper breakdown, it is difficult to know whether its estimate in this regard is reasonable.

c) With reference to the Appellant's argument in paragraph 26(h), he suggested it was normal practice to direct the request to those most likely to know how the mailboxes were organized. To the extent that this was not done, this would seem, in the absence of information to the contrary, to have been an obvious alternative method to accelerate the search.

Ground B

37. The Commissioner has conceded Ground B, such that we have no need to make a formal finding. For the avoidance of doubt, the panel accepted that section 16 had not been complied with and that the Commissioner should have exercised its discretion to require steps to be taken to rectify this.

38. The events set out in paragraphs 6 and 9 illustrate a failure to provide advice and assistance and, (based on the material in the bundle), a problematic use of the term 'vexatious'.

Conclusion

39. To conclude, we find that the Council did not properly apply section 12 because it did not provide a proper or reasonable estimate that was sensible, realistic, and supported by cogent evidence. In the absence of a proper estimate, the panel has no way to know whether the request would clearly exceed the cost limit, and it is for the Council to have provided one. The situation was exacerbated by the Council having failed to provide the advice and assistance under section 16 that might have resulted in a more satisfactory resolution of the matter.

40. Our decision is not unanimous with respect to Ground A. The majority decision is set out in paragraphs 30 to 36 inclusive and paragraph 39. The minority decision is set out in paragraph 41.

Minority Decision

41. The minority decision is that the request on the face of it exceeded the appropriate limit set out in section 12, such that the estimate whilst not wholly satisfactory was sufficient. However, the Council failed to give advice and

assistance, such that section 12 was not complied with. The Council should therefore have been required to advise and assist to enable the requester to sufficiently narrow his request.

Judge Taylor

23 March 2016