

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 16 March 2009

Public Authority: South Yorkshire Police
Address: Snig hill
Sheffield
S3 8LY

Summary

The complainant made a request to South Yorkshire Police for information in relation to gun and gun related crime. South Yorkshire Police identified two documents falling within the scope of the request. It supplied to the complainant most of one document but withheld parts of it under sections 31 and 38. In relation to the second document SYP disclosed pages 1-81 with paragraphs redacted under sections 31 and 38 and refused to disclose the remaining pages (82-187) as to do so would exceed the appropriate cost limit under section 12 of the Act.

The Commissioner has investigated and found that section 31 is engaged for some of the withheld information and that the public interest in maintaining the exemption outweighs the public interest in disclosure of the information. However, the Commissioner also found that some of the withheld information was not exempt under sections 31 or 38. The Commissioner also found that South Yorkshire Police were wrong to withhold the remaining pages of the second document (pages 82-187) under section 12. The Commissioner requires the public authority to disclose the information he has found is not exempt under sections 31 or 38 and to consider in accordance with the Act the request for the information withheld under section 12, either disclosing the information or issuing a valid refusal notice, within 35 calendar days of 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.

The Request

2. The complainant has advised that on 9 March 2005 he made the following request for information to South Yorkshire Police (SYP):

“How many illegal firearms have South Yorkshire Police recovered or confiscated in the last 5 years? Where have illegal firearms recovered by South Yorkshire Police in the last 5 years come from? I.e. are they from particular countries? (Please advise if another time frame might be more helpful).

And of those recovered, where in South Yorkshire have those been recovered from.

I also request a copy of any reports prepared or received by South Yorkshire Police on issues of gun crime or gun related crime in the region or which include substantial reference to those issues in the same time period”

3. SYP responded on 6 April 2005. SYP explained that it was unable to provide some of the information requested as it does not collate information on this subject over the period requested in the manner requested. However, SYP identified two documents falling within the scope of the complainant's request: “Restricted: Drugs and Gun Crime in South Yorkshire, July to September 2004” (document 1); and “The Forcewide Threat and Risk Assessment for the Police Use of Firearms and Less Lethal Options” (document 2).
4. In relation to document 1, SYP disclosed this but redacted paragraphs from the document relying on exemptions 31(1) (a), (b) and (c) and 38 of the Act to do so. In respect of section 31, SYP argued that releasing the information would prejudice the prevention or detection of crime; the apprehension or prosecution of offenders; or the administration of justice. In relation to section 38 SYP argued that disclosing the information would, or would be likely to endanger the safety of an individual or individuals. As both exemptions are qualified exemptions SYP carried out a public interest test and concluded that the public interest in maintaining the exemptions outweighed the public interest in disclosure of the information.
5. In relation to document 2 SYP explained that the document is 187 pages long and contains intelligence information that would need to be redacted prior to its disclosure. In light of this SYP estimated that the time required to carry out the necessary redactions would take the cost of complying with the information request above the appropriate limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
6. On 6 April 2005 the complainant requested an internal review of the decision to redact document 1 under sections 31 and 38 and withhold document 2 in its entirety.

The Investigation

Scope of the case

7. On 29 April 2005 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:
 - That another police force had been able to provide him with the information he requested and therefore queried if the exemptions claimed had been applied correctly.
 - To consider whether the redactions made to document 1 were done on an appropriate basis and whether SYP were correct to withhold document 2 in its entirety.
 - That there was clearly a public interest in the disclosure of the information as gun crime has escalated in South Yorkshire in recent years and is a major cause of public concern.
8. The Commissioner's investigation at this point focused on determining if SYP were correct to redact document 1 under sections 31 and 38 and to withhold document 2 under section 12 of the Act.

Chronology

9. SYP responded to the complainant's request for an internal review on 12 July 2005 explaining that the reasons for the information being exempt from disclosure had been properly explained and that no further explanation was needed. However, the internal review did find that some of the redactions from document 1 could now be disclosed as the exemption under section 31 was not engaged. The internal review also found that one of the redactions in document 1 should have been withheld under section 21 as the information was reasonably accessible to the applicant by other means.
10. The complainant reviewed the information supplied to him as a result of the internal review. However on 24 August 2005 the complainant confirmed to the Commissioner that he wished to proceed with his complaint for the reasons set out in his letter of 29 April 2005.
11. On 30 January 2006 the Commissioner began his investigation by contacting SYP. The Commissioner asked SYP for a copy of document 1 un-redacted; for further detail explaining how SYP had determined that supplying document 2 would exceed the appropriate limit and for confirmation that no further information was held falling within the scope of the complainant's request.
12. On 31 January 2006 SYP contacted the Commissioner by phone explaining that in determining that supplying document 2 would exceed the appropriate limit it had estimated that it would take 15 hours to read the document and that to redact it would then exceed the appropriate limit of 18 hours at £25 an hour.

13. On 22 February 2006 SYP responded to the Commissioner providing a copy of its file regarding the administration of the request including all records relating to his request for a review and the appeals panel's decision. SYP also confirmed that no other information is held falling within the scope of the request.
14. SYP wrote again on 28 March 2006, following telephone conversations with the Commissioner, providing extracts from the ACPO Freedom of Information Manual and a copy of document 1. The copy of document 1 highlighted the areas withheld.
15. The Commissioner wrote to SYP on 25 April 2006 requesting further explanation regarding the time spent reading document 2 and the estimated time required to supply to the complainant document 2.
16. SYP responded on 28 April 2006 confirming that in processing the release of information contained in document 1 to the complainant it had already taken 6 hours, this includes the time to locate, retrieve and extract the information as well as consult with other forces.
17. Following further telephone conversations with the Commissioner SYP wrote on 17 July 2006. SYP provided a copy of document 2 explaining that pages 1-81 (of 187) had now been disclosed to the complainant but highlighting to the Commissioner the paragraphs which had been redacted from these pages. SYP explained that the information redacted from pages 1-81 had been done so under the exemptions 31 and 38. SYP also explained that in redacting pages 1-81 it had reached the appropriate limit of 18 hours work and that to provide the remaining information in pages 82-187 in a form suitable to the complainant i.e. redacted, would exceed the appropriate limit.

Findings of fact

18. There are two documents SYP have identified as falling within the scope of the complainant's request:
 - “Drugs and Crime in South Yorkshire July to September 2004” (document 1)
 - “The Forcewide Threat and Risk Assessment for the Police use of Firearms and Less Lethal Options” (document 2)
19. Document 1 had been disclosed but paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 13 and 14 have been withheld under sections 31(1) (a) (b) and (c), 21 and 38 of the Act.
20. The Commissioner has found that paragraphs 5, 6, 9 and 13 in document 1 fall outside of the scope of the complainant's request and need not, therefore be communicated to the complainant.
21. Document 2 is 187 pages long. Some of the information in pages 1-81 of document 2 has been disclosed but the following paragraphs within pages 1-81 have been withheld (the other paragraphs have been disclosed to the

complainant): 1-38, 40-59, 70-83, 85-101, 103-139, 141, 143 -165 have been withheld under sections 31(1) (a) (b) and (c) and 38.

22. Pages 82-187 have been withheld in their entirety as SYP maintain that the cost of supplying them redacted of exempt information would exceed the appropriate limit set by the legislation.

Analysis

Procedural matters: Section 12 'Cost Limit'

23. Section 12 of the Act does not oblige a public authority to comply with a request if the authority estimates the cost of complying with the request would exceed the appropriate limit. SYP state that it is likely to take more than 18 hours to read the remaining pages in document 2, pages 82-187, and redact the exempt information and therefore complying with the request would exceed the appropriate limit as set out in the Appropriate Limit and Fees Regulations 2004. These regulations set a limit of £450 to the cost of complying with a request for all public authorities subject to the Act not listed Schedule 1 part I. In estimating the cost of complying a public authority can take the following into account:

- determining whether it holds the information requested,
- locating the information or documents containing the information,
- retrieving such information or documents, and
- extracting the information from the document containing it.

The Regulations state: *'any of the costs which a public authority takes into account are attributable to the time which persons undertaking any of the activities mentioned in paragraph (3) on behalf of the authority are expected to spend on those activities, those costs are to be estimated at a rate of £25 per person per hour'*.

24. SYP have argued that it would take 15 hours to read document 2 and to edit out the exempt information, or extract the information for disclosure, would take considerably longer, thereby exceeding the appropriate limit.
25. In the Commissioner's view the issue is whether the words "extracting the information from a document containing it" include the redaction of exempt information containing it. In this context "information" is the information requested, not the information to be disclosed. Therefore the time taken to redact a document when the process of redaction is to blank out exempt information, leaving only the information which is to be disclosed, cannot be taken into account as it does not fall within regulations. Redacting involves removing or blanking out from a document information which is not to be disclosed rather than the task of extracting the requested information from a document which contains other information which has not been requested. The latter is the activity which the Commissioner considers falls within the appropriate limit calculations, not the former. The Commissioner's view on this matter has been supported by the

Information Tribunal in the cases of *Jenkins vs Information Commissioner and Defra (EA/2006/0067)* and *DBERR vs Information Commissioner and Friends of the Earth (EA.2007/0072)*.

26. The Commissioner therefore finds that SYP have incorrectly interpreted and misapplied the Freedom of Information and Data Protection (appropriate limit and fees) Regulations 2004 in taking into account the time taken to redact pages 82-187 of document 2.

Exemption: Section 21 'Information reasonably accessible to the applicant by other means.'

27. Section 21 provides that information which is reasonably accessible to the applicant is exempt information.
28. SYP have withheld paragraph 2 in document 1 under section 21 as that explained that this information relates to statistics which are available on the BBC website.
29. The Commissioner has viewed the information withheld in this paragraph and is satisfied that this information is available from the BBC via its website and is therefore reasonably accessible to the applicant otherwise than under the Act.
30. The Commissioner does, however, wish to point that the publication of information on a website other than that of the public authority may not always be sufficient to engage section 21. This is particularly so where the information is published on a website unconnected with the public authority, because information may be removed from a website at any time. Publication of the information is therefore beyond the control of the public authority although the obligation to make it available remains with them.

Section 31 'Law Enforcement'

31. Section 31(1) (a) (b) and (c) provide that information is exempt if its disclosure under the Act would or would be likely to prejudice (a) the prevention or detection of crime, (b) the apprehension or prosecution of offenders or (c) the administration of justice.
32. SYP advised the Commissioner that it believes prejudice would be suffered as the information redacted from document 1 and from pages 1-81 of document 2 deals with the prevention or detection of crime. It deals with the collation of detection data to create a policing strategy and procedures around gathering intelligence and evidence. Even if disclosure has a relatively low chance of affecting the prosecution of an individual offender, SYP submit that the information should be withheld to protect any tactical advantage the police service has. SYP argued that the information describes methods for preventing or detecting crime and for apprehending or prosecuting offenders and that its release could therefore prejudice the effectiveness of the force in those areas. SYP argued that these are sensitive areas within their working practices and that disclosure of information about its practices and procedures would have an impact on operations and policing. It should therefore be protected.

33. SYP state that disclosure of the redacted documents in full would or would be likely to:

- Impact on operational effectiveness in the areas of working practices and operational planning in relation to information concerning the deployment of staff and officers, response to incidents, firearm tactics, briefings, operations orders and technical aids.
- Impact upon gathering intelligence in the areas of working practices, investigative techniques, informant handlings, grading of intelligence procedures, covert activities / surveillance, firearms tactics and operational planning in relation to information concerning operational orders and intelligence gathering in relation to informants.
- Impact on the conduct / effectiveness of investigations or the chances of identifying or gathering evidence in the areas of working practices and operational planning in relation to information concerning firearm tactics, briefings and debriefings, operational orders and technical aids.
- Impact on the effectiveness of using any procedure or tactic in the future.
- Impact on the likelihood of crime being committed in the future
- Affect the ability of the police to ascertain whether any person has failed to comply with the law or is responsible for improper conduct.
- Affect confidentiality in relation to informants and other covert agencies.

34. In relation to paragraphs 1 and 2 redacted from document 1, SYP argue that the information is about policing tactics and indicates how a profile might be built up of an offender / suspect, and that it would give such individuals an insight into the strength or otherwise of the intelligence systems that might be used to address their offending. SYP argued that this is particularly significant in the context of firearms as the more the offender or suspect is aware of policing tactics, the better their chances of thwarting them. SYP has argued that by releasing this information, people including the public, police and offenders / suspects are put at risk of being seriously hurt or killed.

35. The Commissioner has viewed the information and considered the likelihood of prejudice being caused if it were to be released. In reaching his decision the Commissioner has applied the test for 'would or would be likely to prejudice' as set out in the Tribunal decision *EA/2005/005 John Connor Press Associates vs. the Information Commissioner*. The Tribunal confirmed that "the chance of prejudice being suffered should be more than a hypothetical possibility; there must have been a real and significant risk." (Para 15). This was further expanded in the Tribunal decisions *Hogan vs. the Information Commissioner EA/2005/0026* and *Bexley vs. the Information Commissioner EA/2006/0060*.

36. In these cases the Tribunal considered what was meant by "would be likely to prejudice" and when a prejudice-based exemption might apply. The Tribunal found that 'prejudice must be real, actual and of substance'. It went on to explain that there are two alternative ways in which disclosure can be said to prejudice and that one of these must be shown. Where prejudice 'would be likely to' occur the likelihood need not be more probable than not, though it should be real and

significant; where prejudice 'would' occur, the chance should be greater – more probable than not.

37. In relation to the following redactions in document 1 and document 2 the Commissioner does not accept that section 31(1) is engaged:
- Document 1 – paragraphs 1, 3 and 14
 - Document 2 (pages 1-81) – paragraphs 1-31, the first sentence of paragraph 32, paragraphs 33-38, 41, 43-46, 48-59, 71, 72, 74, 75, 83, 86, 88, 92-95, 97, -101, 104-108, 110-123, 127-134, 137-139, 141, 143, 146, 149-155 and 159-165.
38. The Commissioner does not accept that disclosing this information would, or would be likely to prejudice the prevention or detection of crime, the apprehension or prosecution of offenders or the administration of justice. The information refers to intelligence systems and the recording of information. However, the public are aware that such systems exist, and as information recorded on these systems is not included, the Commissioner is not satisfied that prejudice will be suffered. The Commissioner therefore finds that in relation to these paragraphs section 31(1) is not engaged.
39. However the Commissioner accepts that in relation to the following redactions in documents 1 and 2 section 31(1) is engaged:
- Document 1 – paragraphs 7 and 8
 - Document 2 (pages 1-81) – paragraph 32 except the first sentence, paragraphs 40, 42, 47, 70, 73, 76-82, 85, 89-91, 103, 109, 124-126, 135, 144, 145, 147, 148 and 156-158.
40. The Commissioner accepts that prejudice would be suffered if the information in these paragraphs was released as it contains intelligence information. The information is about specific incidents involving identified groups of people. Releasing this information may lead to individuals being able to identify themselves or others. This may lead to their being alerted to police investigations which would intern prejudice investigations.
41. In relation to the paragraphs in document 2 which the Commissioner considers to be exempt, releasing the information would provide details of the threats faced by SYP and its associated technical and tactical capabilities. This information could be used to frustrate its efforts in preventing and detecting crime.
42. The Commissioner finds that disclosure of these paragraphs would prejudice the prevention or detection of crime, the apprehension or prosecution of offenders or the administration of justice. Section 31(1) is therefore engaged.

Public Interest Test

43. The Commissioner has found that section 31(1) is engaged in respect of:

- Document 1 – paragraphs 7 and 8; and
- Document 2 – paragraph 32 except the first sentence, paragraphs 40, 42, 47, 70, 73, 76-82, 85, 89-91, 103, 109, 124-126, 135, 144, 145, 147, 148 and 156-158.

44. The Commissioner must therefore go onto consider whether the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

45. SYP acknowledged that there is a public interest in disclosure of the information as gun crime is a prevailing and contemporary issue for British society. The release of the information would dispel any myths or confusion about the true level of the problem in South Yorkshire and the police response to it.

46. However, SYP concluded that the public interest favours maintaining the exemption for the following reasons:

- The documents are internal documents prepared for intelligence purposes, to assist the SYP in its efforts to deal with this problem. Due to the nature of the information the documents have been given a restricted marking.
- Intelligence-led policing is a contemporary approach to law enforcement. If this intelligence were to be released it would risk compromising that approach.
- The information withheld contains references to policing response and tactics utilised to address firearm related incidents. If these were released it would allow those against whom these are proposed to be used the opportunity to develop counter measures which would thereby frustrate those policing efforts.
- If the police approach to this problem were compromised it would put the public at risk of more gun related crime and more importantly injury or even death. This would increase not only the risk of crime but also the fear of crime. This would reduce the level of public satisfaction and confidence in the service provided by SYP.
- The courts and associated agencies involved in the administration of justice are integral to the resolution of this problem. Should this information be released their effectiveness risks being compromised with a consequent detrimental effect on their ability to serve the public.
- A study has recently been conducted by 'New Scientist' magazine into the impact of television programmes featuring the application of forensic techniques in crime. This has shown that raising awareness of these techniques enabled some offenders to escape detection. The same principles apply here.
- Statistical information has been released and this will serve to satisfy the public interest in the level of this problem in South Yorkshire and the police response to it.

47. The Commissioner believes the following public interest factors favour maintaining the exemption in this case:

- ongoing investigations and the apprehension of offenders should not be prejudiced;
- assisting offenders to commit crime or avoid apprehension should be avoided;
- the full and frank flow of information to the police force should not be hindered - if informants fear reprisals they will be less likely to provide information;
- sources of information should be protected and the confidentiality of their communications respected;
- the impact of the information causing public alarm should be avoided.

48. The Commissioner accepts that on balance the public interest in maintaining the exemption in relation to the withheld information outweighs the public interest in disclosure. It is therefore the Commissioner's view that the information which is exempt under section 31 should not be disclosed.

Section 38 'Health and Safety'

49. The Commissioner notes that section 38 was applied to the same information as section 31. As he has found that section 31 is engaged and that the public interest in maintaining the exemption outweighs the public interest in disclosure of the following information, he has not considered the application of section 38 to these withheld paragraphs:

- Document 1 – paragraphs 7 and 8
- Document 2 (pages 1-81)– paragraph 32 except the first sentence, paragraphs 40, 42, 47, 70, 73, 76-82, 85, 89-91, 103, 109, 124-126, 135, 144, 145, 147, 148 and 156-158

50. However, the Commissioner also found that section 31 is not engaged in respect of the following paragraphs, he has therefore gone on to consider if section 38 applies to these withheld paragraphs:

- Document 1 – paragraphs 1, 3 and 14
- Document 2 – paragraphs 1-31, the first sentence of paragraph 32, paragraphs 33-38, 41, 43-46, 48-59, 71, 72, 74, 75, 83, 86, 88, 92-95, 97-101, 104-108, 110-123, 127-134, 137-139, 141, 143, 146, 149-155 and 159-165.

51. Section 38 provides that information is exempt if its disclosure under the Act would, or would be likely to endanger the physical or mental health of any individual or, endanger the safety of any individual.

52. SYP identified the harm that would be caused by the release of the information. It stated that it would provide details of the threats faced by SYP in their activities against firearm related crime and their associated technical and tactical capability. For operational purposes SYP argue that it is essential that such information is properly restricted on a need to know basis. Should this information become publicly available SYP believe there is a risk that it would be used in a manner

contrary to that intended, leading to an escalation in the dangers associated with firearm related incidents, potentially causing either injury or death.

53. SYP pointed out that gun crime causes serious injury and death and that it also impacts on the mental health of the relatives of victims or indeed any others associated with such incidents including witnesses. SYP state that disclosure would affect the ability of the police to secure the health, safety and welfare of a person at work in the areas of firearms tactics and operational planning in relation to operational orders and technical aids. It would also affect the ability of the police to protect persons against the risk to their health and safety.
54. The Commissioner has viewed the information withheld in these paragraphs and, as noted in the discussion on section 31, considers that the information relates to intelligence systems and the recording of information. The public are aware that such systems exist and as information recorded on these systems is not included he does not believe that disclosure would have the negative effect discussed above.
55. The Commissioner acknowledges that gun crime causes serious injury and impacts on the mental and physical health of individuals. However, SYP have not provided any persuasive arguments to explain how release of the information would increase the instances of gun crime and therefore have this negative effect. The threshold for engaging the section 38 exemption is high. In this case the Commissioner finds that section 38 is not engaged in relation to the information which he considers is not exempt under section 31(1) as he does not find that disclosure would, or would be likely to, endanger the physical or mental health of any individual or endanger the safety of an individual.

The Decision

56. 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:
 - i. The application of section 21;
 - ii. The application of section 31(1) (a) (b) and (c) to the following paragraphs:
 - Document 1 "Drugs and Gun Crime in South Yorkshire. July to September 2004" – paragraphs 7 and 8
 - Document 2 (pages 1-81) "The Forcewide Threat and Risk Assessment for the Police use of Firearms and Less Lethal Options" – paragraph 32 except the first sentence, paragraphs 40, 42, 47, 70, 73, 76-82, 85, 89-91, 103, 109, 124-126, 135, 144, 145, 147, 148 and 156-158
57. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:

- i. The application of section 12 to pages 82-187 of document 2 “The Forcewide Threat and Risk Assessment for the Police use of Firearms and Less Lethal Options”;
- ii. The application of section 31(1)(a) (b) and (c) and 38 to the following paragraphs :
 - Document 1 “Drugs and Gun Crime in South Yorkshire. July to September 2004” – paragraphs 1, 3 and 14
 - Document 2 (pages 1-81) “The Forcewide Threat and Risk Assessment for the Police use of Firearms and Less Lethal Options” – paragraphs 1-31, the first sentence of paragraph 32, paragraphs 33-38, 41, 43-46, 48-59, 71, 72, 74, 75, 83, 86, 88, 92-95, 97,-101, 104-108, 110-123, 127-134, 137-139, 141, 143, 146, 149-155 and 159-165.

Steps Required

58. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:

- i. Disclose the information contained in pages 82-187 of document 2 entitled “The Forcewide Threat and Risk Assessment for the Police use of Firearms and Less Lethal Options” or provide the complainant with a refusal notice in accordance with the requirements of section 17 of the Act setting out which exemption(s) apply to the information
- ii. Disclosure the following information withheld under sections 31 and 38:
 - Document 1 “Drugs and Gun Crime in South Yorkshire. July to September 2004” – paragraphs 1, 3 and 14
 - Document 2 “The Forcewide Threat and Risk Assessment for the Police use of Firearms and Less Lethal Options” – paragraphs 1-31, the first sentence of paragraph 32, paragraphs 33-38, 41, 43-46, 48-59, 71, 72, 74, 75, 83, 86, 88, 92-95, 97,-101, 104-108, 110-123, 127-134, 137-139, 141, 143, 146, 149-155 and 159-165.

59. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

60. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Right of Appeal

61. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
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 served.

Dated the 16th day of March 2009

Signed

**Graham Smith
Deputy Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

Exemption where cost of compliance exceeds appropriate limit

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.”

Section 12(2) provides that –

“Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.”

Section 12(3) provides that –

“In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.”

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.”

Section 12(5) – provides that

“The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are estimated.

Law enforcement.

Section 31(1) provides that –

“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders,
- (c) the administration of justice,
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,

- (e) the operation of the immigration controls,
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
- (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
- (i) any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment."

Section 31(2) provides that –

“The purposes referred to in subsection (1)(g) to (i) are-

- (a) the purpose of ascertaining whether any person has failed to comply with the law,
- (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
- (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,
- (e) the purpose of ascertaining the cause of an accident,
- (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,
- (g) the purpose of protecting the property of charities from loss or misapplication,
- (h) the purpose of recovering the property of charities,
- (i) the purpose of securing the health, safety and welfare of persons at work, and
- (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.”

Section 31(3) provides that –

“The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).”

Health and safety.

Section 38(1) provides that –

“Information is exempt information if its disclosure under this Act would, or would be likely to-

- (a) endanger the physical or mental health of any individual, or
- (b) endanger the safety of any individual.”

Section 38(2) provides that –

“The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).”