

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 12 January 2010

Public Authority: The Foreign and Commonwealth Office
Address: Consular Directorate (G/5Sa)
Old Admiralty Building
London
SW1A 2AH

Summary

The complainant requested information concerning the government's espousal of torture claims. The public authority originally provided copies of responses to Parliamentary Questions (PQs) and informed the complainant that section 21 applied to all the information it held that was relevant to the request. It confirmed its position in an internal review but added that section 12 could be applied to part of the request. The public authority withdrew its reliance on section 21 and the Commissioner has not considered it further. However, the Commissioner has found that the public authority's subsequent application of section 12 was correct. He also found that the public authority did not offer reasonable advice and assistance in this case and has therefore found a breach of section 16(1). He also found two breaches of section 17(5). The Commissioner requires that the public authority goes back to the complainant and provides assistance about what can be provided within the costs limit in this case.

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.

Background

2. The Commissioner has established with the complainant that the definition of "espouse" will be its technical legal definition:

'The exercise of discretion by the UK government to issue legal proceedings in its own name against a foreign state where no right exists

for an individual. This includes situations where the Government takes over existing legal proceedings.'

3. Espousal occurs when the individual who has no right to bring proceedings can ask for the Government to intervene or take over proceedings. The Commissioner has determined this case on the basis that espousal has the definition above.

The Request

4. On 29 August 2008 the complainant requested the following information from the public authority in accordance with section 1(1) of the Act (the Commissioner has changed the numbering to assist with clarity):
 1. *'How many British nationals have asked the Government to espouse their claims for damages following allegations of torture by officials or agents of foreign governments, or have requested the Government to intervene on their behalf in these matters, since 8th December 1988?*
 2. *[a] How many claims by British citizens of torture abroad have been espoused by the Government since December 1988?*

[b] What factors are relevant to the Government's decision whether to espouse such a claim?
 3. *[a] From which foreign governments has the Government received compensation following allegations of torture of British citizens since 8th December 1988?*

[b] How much was paid in these cases?

[c] How long did the process take in each case?'
5. On 9 September 2008 the public authority provided a response to the complainant. It stated that section 21(1) applied to this request as the information was reasonably accessible as the information has already been given in response to Parliamentary Questions 218618, 218807 and 219329.
6. In the context of this case it is important to understand what the PQs referred to, so the Commissioner has summarised them below:
 - 218618 – this question was the same as question 1 of the request. The response was that it had only been collecting statistics since 1 April 2005 and did not centrally collate statistics before then. It also stated that these statistics concerned allegations of mistreatment and that they were not broken down further. It advised that to collate the statistics would involve a disproportionate cost.

It provided the following statistics:

April to December 2005 – 39 allegations raised;
January to December 2006 – 69 allegations raised; and
January to December 2007 – 75 allegations raised.

- 218807 – this question was the same as question 2 of the request. The response to [a] was that it did not centrally collate data about the number of claims of torture for British civilians and to [b] was that it was done on a case by case basis. It advised that to collate the statistics would involve a disproportionate cost.
 - 219329 – this question was the same as question 3 of the request. The response was that information was not kept centrally and that they were not aware of any cases occurring. It advised that to provide a more detailed response would involve a disproportionate cost.
7. On 10 December 2008 the complainant requested an internal review. She stated that the PQs do not adequately answer her requests for information and that she was unclear why information had not been provided in response to them. She asked the FCO to explain the disproportionate cost threshold used in answering PQs and also made the following further request for information:
4. *If the Foreign Office has collated statistics on the number of cases which it has raised concerns over allegations of torture or ill-treatment with the relevant detaining authority since 1st April 2005, why is it not able to provide*
 - (1) *specific details of the alleged mistreatment in those cases.*
8. On 18 December 2008 the public authority provided an internal review to the complainant. It informed the complainant that the information that the statistics asked for was not held centrally and therefore it believed that it only held the information referred to in the PQs. It confirmed that it was satisfied a reasonable search has been conducted for relevant information. For requests 1 and 2[a], it stated that any details about the number of circumstances of such cases is held in individual consular assistance case files and the only way to obtain such information is to search all such files. It explained that section 12(1) would apply to this as it would take much longer than 3.5 days to extract this information. It stated that it believed that more than 3.5 days would be required to provide an accurate response to the request. It also stated that while it would normally try to narrow the request, due to the nature of this request, it could not think of a way of doing so. It stated (wrongly) that the reiteration of request 2[b] was a new request and would be considered separately. It confirmed it did not believe there had been any instances for request 3[a].
9. On 19 January 2009 the public authority responded to the outstanding parts of the request. It explained that for request 2[b] in practice there would be a wide range of factors to consider and it was not possible to produce a hypothetical list. It explained that its position in request 3 was that it had not espoused claims recently because it had asked both the teams that deal with international claims and its legal advisers. It explained for request 4 that the reality was that it was

difficult to categorise different complaints about mistreatment and that it would be required to check all the files to extract that data.

10. The Commissioner believes it is useful for clarity to create a chart of the public authority's position prior to the Commissioner's investigation for each part of the request:

<i>Request number</i>	<i>Exemption applied (as of 19/01/2009)</i>
1	12(1) and 21
2 [a]	12(1) and 21
2 [b]	Information not held (in general) and 12(1) (for all specific cases)
3 [a]	Not held and 21
3 [b]	Not held and 21
3 [c]	Not held
4	12(1)

The Investigation

Scope of the case

11. On 19 February 2009 the complainant contacted the Commissioner to complain about the way her request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
- That the reference to PQs was incorrect as the information within them does not relate to the request but concerns consular assistance which is altogether different. The Commissioner having considered the responses does not agree that the information provided was not relevant to the request. However, he has determined that the information in the PQs was not all the recorded information held in this case.
 - That the public authority failed to provide appropriate advice and assistance to enable the complainant to narrow her request and this contravened its obligations under section 16(1).
 - That the public authority had not provided any response to request 2[b] which was reiterated in the internal review request and was recognised as a new request in the internal review response. A new response was provided on 19 January 2009 as stated above and the Commissioner ensured that the complainant received a copy.
12. During the course of the Commissioner's investigation the public authority agreed that it could not rely on section 21 and was applying section 12 instead. Its new position was therefore:

<i>Request number</i>	<i>Exemption</i>
1	12(1)
2 [a]	12(1)
2 [b]	Information not held (in general) / 12(1) (for all specific cases)
3 [c]	12(2)
3 [b]	12(2)
3 [c]	12(2)
4	12(1)

The Commissioner will not consider section 21 further in this Notice.

13. On 20 July 2009 the complainant confirmed that she was happy for the scope of the Commissioner's investigation to be as follows:
1. To determine whether the public authority was correct to apply section 12 to all the original requests.
 2. To determine whether any recorded information was held for request 2[b] outside the individual consular assistance case files.
 3. To determine whether the public authority had complied with its obligations to provide advice and assistance, which is a requirement under section 16(1).

Chronology

14. On 20 May 2009 the Commissioner wrote to the public authority to enquire about its position. In particular it asked for the public authority to provide information about its position for requests 2[b] and 4. He explained that he was not convinced by the public authority's application of section 21 in this case.
15. On 5 June 2009 the public authority replied to the Commissioner. It explained that it had issued a new response to the complainant on 19 January 2009 and provided the Commissioner with a copy. It did not comment about its application of section 21 and the Commissioner understood that it had withdrawn its reliance upon it.
16. On 11 June 2009 the Commissioner wrote to the complainant. He detailed what he proposed the scope of his investigation to be. He also explained how section 12(1) operated and that it had no element of public interest.
17. On 7 July 2009 the complainant responded to the Commissioner. She informed the Commissioner that she wished for the case to continue. She explained her understanding of the definition of 'espouse'. She explained that she was unconvinced by the application of section 12(1) and that more advice and assistance should have been provided. She also explained that she would expect the public authority to provide some relevant information from the 183 cases identified in the PQ.

18. On 14 July 2009 the Commissioner replied to the complainant. He said that he would define 'espouse' as suggested and confirmed that he would consider the submissions that were provided. He also moved to set the scope of the investigation to enable the case to proceed. The scope was accepted by the complainant on 20 July 2009.
19. On 15 July 2009 the Commissioner made detailed enquiries about the public authority's position. He focussed on the three parts of his investigation outlined in paragraph 13. On 18 August 2009 he received a response to those enquiries.
20. On 16 September 2009 the Commissioner asked for the public authority to clarify three further points. He received a response on 25 September 2009.

Analysis

Substantive Procedural Matters

Section 12

21. The Commissioner may be required to consider the application of both section 12(1) and section 12(2) in this instance.
22. Section 12(1) indicates that the public authority is not required to comply with a request for information if the authority estimates that the total cost of complying with the request would exceed the 'appropriate limit'.
23. Section 12(2) provides that a public authority can refuse a request if the cost of complying with section 1(1)(a) alone (that is the cost of confirming or denying whether the information requested is held) would exceed the 'appropriate limit'.
24. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Regulations") provide that this cost limit for central government public authorities is £600. This is calculated at the rate of £25 per hour, providing an effective time limit of 24 hours. If a public authority estimates that complying with a request would exceed 24 hours, or £600, section 12(1) provides that the request may be refused.
25. The Commissioner has firstly considered the process for answering Parliamentary questions and in particular whether the disproportionate costs threshold has any relevance to the analysis of the application of section 12. The disproportionate costs threshold operates as an advisory limit and is not obligatory. Its purpose is to act as a benchmark which works to allow consideration when the cost of the response would be very high. The question can either be rejected on the basis the limit applies or the Minister can decide to do the work regardless. The current disproportionate costs threshold is £750. The Commissioner believes that it is not therefore analogous to section 12.

26. The Commissioner's investigation into the application of section 12 has three parts. The first part considers whether the requests should be aggregated or considered individually for the purposes of section 12. The second part considers whether it was reasonable for the public authority to base its estimate on obtaining information from its individual consular assistance files. If it was, then the third part would consider whether the section 12 estimate was reasonable and therefore whether the exclusion was correctly applied.

Should the requests be aggregated or considered individually for the purposes of section 12?

27. When considering whether requests can be aggregated or need to be considered individually the Commissioner is guided by Regulation 5 of the Statutory Instrument 2004 No. 3244 "The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004" which states that:

'5. - (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 concert 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.'

28. In order to aggregate the requests for the purposes of section 12 the Commissioner must determine whether they relate to any extent, to the same or similar information. The interpretation of this part of the Fees Regulations has been considered by the Information Tribunal in *Ian Fitzsimmons v Department for Culture, Media and Sport* [EA/2007/0124]. The Tribunal made the following general observation at paragraph 43:

"The test in Regulation 5 of the Fees Regulations seems to us to be very wide; the requests need only relate to any extent to the same or similar information [Tribunal emphasis]".

29. The Commissioner has considered the four parts of the request in this case. He has concluded that they are similar to an extent as they all relate to information about the espousal of British torture victims abroad.
30. The Commissioner must also consider if the requests were received within sixty working days of one another. He has concluded that there were 73 working days between requests 1 to 3 and request 4. Therefore he can only consider the aggregated work for requests 1 to 3 together, and must consider the work required for request 4 separately.

Was it reasonable for the public authority to base its estimate on obtaining the information from its individual consular assistance files?

31. The complainant has argued that the reliance on the costs limit was neither credible nor well considered; particularly in the light that 183 files had already been identified in response to PQ 218618 above. In addition the complainant believed that the information would not only be held in the individual consular assistance files. She explained that it was likely that any claim to espouse would require advice from the public authority's legal department and these records should be easier and quicker to search given the Code of Conduct of those professions. She also stated that the public authority's position of keeping records of incidents of ill-treatment should mean it holds further information about espousals. She explained that a proper estimate should have been provided to her directly as well. The Commissioner agrees that a breakdown would be good practice to provide in accordance with the section 45 Code of Practice on the Discharge of Public Authorities' Functions, but also notes that it is not a requirement of the Act.
32. When considering this issue the Commissioner has received guidance from the Information Tribunal in the case *Alasdair Roberts v the Information Commissioner* [EA/2008/0042]. In this case, the complainant offered a number of suggestions as to how the requested information could be extracted from the database. The Tribunal concluded that none of the ways suggested would have brought the request under the costs limit. However at paragraph 15, the Tribunal also made the following more general comments on alternative methods of extraction:

"(a)...the complainant set the test at too high a level in requiring the public authority to consider all reasonable methods of extracting data;

(b) that circumstances might exist where a failure to consider a less expensive method would have the effect of preventing a public authority from relying on its estimate... "

33. Those circumstances were set out at paragraph 13 where it was said:

"...it is only if an alternative exists that is so obvious to consider that disregarding it renders the estimate unreasonable that it might be open to attack. And in those circumstances it would not matter whether the public authority already knew of the alternative or had it drawn to its attention by the requestor or any other third party..."

34. The Commissioner has therefore considered whether there is an alternative that exists that is so obvious to consider that it renders the estimate unreasonable in this case.
35. The Commissioner firstly investigated the complainant's concerns about whether the public authority's legal department has any records on taking formal legal action in espousing a claim for torture. The public authority responded that its lawyers do not keep a record of those cases it espoused.
36. The Commissioner also considered whether more generic information is held that would be easily accessible and relevant to request 2[b]. He enquired whether the public authority held procedural manuals, specifications of minimums or any other recorded information that would assist in deciding whether to espouse a claim. The public authority replied that it had searched all of its consular guidance and did not hold any further recorded information other than the internal guidelines that were summarised in the answers to the PQs. It confirmed that the decision was made on a case by case basis and that the factors would vary depending on the case.
37. The Commissioner also considered whether information concerning payments (relating to request 3) might be held within the public authority's finance department. The public authority responded that it had checked its finance department and did not have any information concerning compensation being paid to it following allegations of torture.
38. Next the Commissioner checked what electronic systems the public authority has and whether a report could be written to generate the information requested in this case within the costs limit. The public authority has informed the Commissioner that it introduced an electronic case management system in 2003. It informed the Commissioner that the fields of information depend on the type of assistance case. For detainee/ prisoner cases, it has tick boxes for allegations of mistreatment and a large number of other fields. The tick box for mistreatment was only added in May 2009 (after the date of the request). It said that the only searches that could be conducted were case reference, type of assistance, name of British National, date of birth, country and date that the case was opened. It could not be searched with free text fields, SQL or any other programming language. The Commissioner is satisfied that the electronic system was not an obvious alternative in this case, as it does not contain all the information and even the information it does contain cannot be searched for the relevant information without going through every file.
39. The public authority informed the Commissioner that since 1 April 2005 it had also maintained a separate collection of basic statistics on the number of cases where the public authority has raised allegations. These are collated by the posts overseas and forwarded to the Consular Directorate in London every six months. It informed the Commissioner that these basic statistics do not contain details of the case, any specifics of the allegations or any details that can be used to search the electronic case management system. The Commissioner is satisfied that

these statistics cannot be used to provide the information requested, so are not an obvious alternative in this case.

40. The Commissioner also enquired whether any further recorded information was held that could answer the request, and what searches had been conducted to verify this. The public authority confirmed to the Commissioner that it had checked case files, consular and claims guidance, mistreatment statistics and the records held by the financial department and it did not find any other source of recorded information. The Commissioner is content that there are no obvious alternatives in this case that would render the estimate unreasonable. The Commissioner is therefore satisfied that it was reasonable in this case to rely on an estimate based on obtaining information through the individual consular assistance files.

Was the estimate reasonable in this case and was section 12 therefore applied correctly?

41. The public authority has provided the Commissioner with estimates showing why it is unable to provide the information requested. It did not provide a breakdown to the complainant originally, but the Commissioner has acquired such information in order to be able to determine this case.
42. The issue of what constitutes a reasonable estimate was also considered in the Tribunal case of *Alasdair Roberts v the Information Commissioner* [EA/2008/0042] and the Commissioner endorses the following points made by the Tribunal at paragraphs 9 -13 of the decision:
- *“Only an estimate is required”* (i.e. not a precise calculation)
 - The costs estimate must be reasonable and only based on those activities described in Regulation 4(3)
 - Time spent considering exemptions or redactions cannot be taken into account.
 - Estimates cannot take into account the costs relating to data validation or communication
 - The determination of a reasonable estimate can only be considered on a case-by-case basis and
 - Any estimate should be *“sensible, realistic and supported by cogent evidence”*
43. The activities referred to in Regulation 4(3) are:
- “(a) determining whether it holds the information,*
 - (b) locating the information, or a document which may contain the information,*
 - (c) retrieving the information, or a document which may contain the information, and*
 - (d) extracting the information from a document containing it.”*

44. The Commissioner will first consider the application of section 12(1) to requests 1 and 2. Only if the costs limit is not already exceeded will he go on to consider the application of section 12(2) to request 3. He will then go on to consider request 4 separately.

Requests 1 and 2

45. The public authority's new position was that section 12(1) applied to these requests as it would be required to check all of its consular assistance files from 8 December 1988 in order to obtain the requested information. This constituted a period of almost twenty years.
46. As noted above, the Commissioner is satisfied that there are no obvious alternatives in this case and therefore he must determine whether it was reasonable to suggest that carrying out the activities referred to in Regulation 4(3) for all the files would take more than 24 hours.
47. The authority explained that in order to answer this request it would be required to check all the electronic case files between 2003 (when the system came online) and 1 April 2005, and all the manual files it holds that postdate 8 December 1988. It explained that it helps between 15,000 and 35,000 distressed British nationals every year (according to statistics from 2001 to the present day) and that it destroys files whether there has been no activity after three years. It therefore holds a large number of files including all of those where the individual remains in detention.
48. It also explained that the manual files are not categorised by the type of assistance provided and do not contain any indication on their cover of the nature of the assistance provided. All manual files would therefore need checking. While the public authority is unable to give an exact number of files the Commissioner is satisfied that there must be over 50,000.
49. It explained that to determine whether it had relevant information concerning mistreatment claims and extract the relevant information would take a minimum of ten seconds and a maximum of thirty minutes for a complex or long running case. It estimated that ten minutes per case was a realistic estimate for one case. It evidenced this by providing information on a sample of five files, where the time taken varied from 1 minute to 2 hours 40 minutes. It explained that spending ten minutes checking at least 50,000 files would take over 8000 hours. Clearly this would far exceed the 24 hour costs limit.
50. The Commissioner required confirmation that the statistical data gathered since 2005 could not be used to reduce the search at least for that time period. It confirmed that the figures it kept were only basic and contained no information about the details of the case, specifics of the allegations or any details that related to the electronic case management system. The Commissioner is therefore content that this set of figures could not reduce the time spent on searches.

51. The Commissioner is therefore satisfied that the costs limits would be exceeded in this case and that the estimate is 'sensible, realistic and supported by cogent evidence'. He is therefore content that section 12(1) has been applied correctly by the public authority.

Request 3

52. As the Commissioner is satisfied that requests 1-3 can be aggregated (as stated in paragraph 30 above) and that the costs limit has been exceeded for requests 1 and 2 (as stated in paragraph 51), he is not required to go on to consider request 3 separately and has not done so.

Request 4

53. Request 4 could not be aggregated with requests 1-3 as the request was made more than sixty working days after the others.
54. This request is narrower as it takes the period from 1 April 2005 to the date of the request, 10 December 2008. However the authority has confirmed there at least 30,000 cases that would need to be considered for the request.
55. The request also references the statistics gathered about mistreatment that were discussed above in paragraph 39 of this Notice. As the Commissioner has explained in that paragraph there is no way of obtaining the information requested in this case from those statistics.
56. As explained above, the Commissioner is content as above that ten minutes is a reasonable estimate to look at one case. He therefore finds that the estimate in this case is ten minutes x 30,000 = 5,000 hours and that this would exceed the costs limit.
57. He is satisfied that this estimate is 'sensible, realistic and supported by cogent evidence'. He is therefore content that section 12(1) has also been applied correctly by the public authority to this request.

Procedural Requirements

Section 16(1)

58. Section 16(1) (full text in the legal annex) provides an obligation for a public authority to provide advice and assistance to a person making a request, so far as it would be reasonable to do so. Section 16(2) states that a public authority is to be taken to have complied with its section 16 duty in any particular case if it has conformed with the provisions in the Section 45 Code of Practice in relation to the provision of advice and assistance in that case.
59. The Commissioner is satisfied that the request was clear and further clarification was not needed for this request. Therefore paragraphs 8 to 11 of the Code did not require additional assistance to be provided in this case.

60. Whenever the cost limit has been applied correctly, the Commissioner must consider whether it would be possible for the public authority to provide advice and assistance to enable the complainant to obtain information without attracting the costs limit in accordance with paragraph 14 of the Code. In this case the Commissioner has considered whether it would have been reasonable for the public authority to have advised the complainant to reduce the scope of her request.
61. The public authority has informed the Commissioner that it did not believe it could provide any advice or assistance in this case as it was unable to suggest how the request could be narrowed down and so fall within the costs limit. The Commissioner does not think that this position is reasonable and that it should provide better advice to the complainant. Therefore, the Commissioner has found that the public authority has breached section 16(1) of the Act.
62. The Commissioner requires that the public authority contacts the complainant and discusses what it can provide within the costs limit. The Commissioner notes that the public authority has met the complainant once and has offered to meet the complainant again about this matter, and he is satisfied that such a meeting could provide the advice required.

Section 17(5)

63. Section 17(5) requires that where a public authority is applying section 12 it must provide a notice specifying that fact within twenty working days. The public authority failed to do this explicitly for either of the requests and the Commissioner has therefore found two breaches of section 17(5).

The Decision

64. 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:
 - *Section 12(1) has been applied correctly when aggregating the work required to process requests 1 - 3.*
 - *Section 12(1) has been applied correctly when considering the work required to process request 4 alone.*
65. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:
 - *Section 16(1). While the public authority provided some assistance it did not provide reasonable assistance when it came to considering what information could be offered that would not have engaged section 12(1) for all four requests.*

- *Section 17(5). The public authority failed to issue a correct refusal notice within twenty working days for either information request.*

Steps Required

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

- The Commissioner requires that the public authority contacts the complainant to discuss what it can provide within the costs limit, in order for it to comply with its obligations under section 16(1).

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

Failure to comply

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

Right of Appeal

69. 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 12th day of January 2010

Signed

**Anne Jones
Assistant Commissioner**

**Information Commissioner's Office
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Wilmslow
Cheshire
SK9 5AF**

Legal Annex

The Freedom of Information Act 2000

Section 1 - General right of access to information held by public authorities

(1) Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

(2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.

(3) Where a public authority—

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

...

Section 12 – Exemption where cost for compliance exceeds the appropriate limit

(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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 to be estimated.

Section 16 – Duty to provide advice and assistance

(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 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.

Section 17 - Refusal of Request

...

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

Section 21 – Information accessible to applicant by other means

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.