

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 17 August 2010

Public Authority: Metropolitan Police Service
Address: Public Access Office
20th Floor
Empress State Building
Lillie Road
London
SW6 1TR

Summary

The complainant made a nine-part request to the Metropolitan Police Service ("the public authority") for information about the costs of royal protection. Information about the first part of the request was withheld under the exemption at section 12(1) (cost of compliance exceeds appropriate limit). The public authority refused to confirm or deny whether any further information was held by virtue of the exemptions at sections 24(2) (national security), 31(3) (law enforcement) and 38(2) (health and safety). During the Commissioner's investigation the complainant agreed to withdraw her complaint in respect of part nine of her request.

The Commissioner's decision is that parts one to eight of the request can be aggregated for costs purposes as they follow an overarching theme and that to provide the information would exceed the appropriate limit. He has not therefore considered whether or not the public authority was correct in neither confirming nor denying information is held in respect of parts two to eight of the request. The complaint is not upheld.

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. According to the public authority's own website¹:

"Specialist Operations is part of the Metropolitan Police Service and is divided into three sections known as commands. Within these three commands, there are seven units whose roles are to help keep safe people who live in, work in and visit London".

3. The website goes on to explain that one of these command units is "Protection Command" and that "Royalty Protection" falls within this unit. This is described as follows:

"Royalty Protection (SO14) provides protection of the monarch and other members of the royal family. This unit is [sic] divided into Residential Protection, Personal and Close Protection and the Special Escort Group who provide mobile protection".

4. SO14 is listed as having the following responsibilities.

- Personal protection for the Royal Family, both nationally and internationally.
- Protecting royal residences in London, Windsor and Scotland.
- Protecting members of the public who visit royal residences.
- 24-hour uniform security and protection operations at some royal residences.
- Personal protection for European Royal Families visiting the UK.
- Mobile protection for protected persons and related property, high risk prisoners and vulnerable property within London and for cross-border operations.
- Planning and co-ordinating joint protection operations.

The request

5. On 17 November 2008 the complainant made a request for the following information:

" 1) The total cost of Royal Protection for the years 2005, 2006 and 2007.

¹ <http://www.met.police.uk/so/index.htm>

- 2) *The cost of Protection for Princes' William and Harry's bike ride in Southern Africa in October 2008 including associated costs such as training of officers for the bike ride and transport costs, salary costs and all expenses incurred.*
 - 3) *The cost of Royal Protection for Prince Harry during the period he was in Afghanistan from December 2007 to February 2008.*
 - 4) *The cost of Royal Protection for Princess Beatrice in 2006 and 2007.*
 - 5) *The cost of Royal Protection for Princess Eugenie in 2006 and 2007.*
 - 6) *The cost of Royal Protection for Prince Andrew's UKTI trips (in the UK and abroad) in 2007 and 2008.*
 - 7) *Any correspondence (email or hard copies) or reports (held electronically or in hard copies) relating to the security costs of any members of the Royal family visiting nightclubs in 2007 and 2008.*
 - 8) *Any correspondence (email or hard copies) or reports (held electronically or in hard copies) relating to the security costs of Prince's William and Harry's bike ride in Southern Africa in October 2008.*
 - 9) *Any correspondence, documents or emails relating to the incident in May this year in which it was alleged that vehicles which were transporting or escorting Prince Harry travelled at dangerously high speed on the M4. The incident is alleged to have happened on or around the 8th of May 2008".*
6. On 10 December 2008 the public authority sent its response. It refused to confirm or deny that it held any information citing the exemptions at sections 31 and 38.
 7. The complainant requested an internal review of this refusal on 9 January 2009.
 8. During a telephone conversation between the parties on 14 May 2009, the complainant was invited to confirm what she meant by 'royalty protection' in her original request. The public authority's interpretation of this conversation was reflected within the wording of its subsequent internal review, which was sent on 22 May 2009. In respect of the first part of the request it stated that:

"Within a telephone conversation ... on the 14th May 2009, you clarified what exact information you require when requesting cost details for 'royalty protection'. By 'royalty protection', you confirmed you actually are looking specifically for costs for the close protection of royalty (which includes the protection of royal residences) and for escorting officers rather than the wider interpretation of total costs incurred by SO14 Royalty Protection OCU for the years in question.

As explained within the telephone call, to comply with your request using this narrower interpretation of 'royalty protection' would exceed the appropriate statutory limit required to process a request under the Freedom of Information Act 2000. I do apologise that your original request was not clarified with you at an earlier stage".

9. The public authority also stated in its internal review:

"I understand you clarified by telephone ... that if you could not be provided with costs specifically for the close protection of royalty and for escorting officers within the remit of question one (1) of your request, the total spend for 2005 to 2007, that enables the SO14 OCU to operate effectively for the year to facilitate the delivery of its protection responsibilities, could be interpreted as part of your request".

It went on to exempt this alternative information request under sections 24(1), 31(1)(a), (b) and (c) and 38(1)(b).

10. The public authority maintained its earlier position in neither confirming nor denying that it held information in respect of the remaining eight parts of the original request, adding section 24(2) to 31(3) and 38(2).

The investigation

Scope of the case

11. On 3 June 2009 the complainant contacted the Commissioner to complain about the way her request for information had been handled. She refuted that it would take more than 18 hours to ascertain the total cost of Royal Protection.
12. The complainant also advised the Commissioner that the public authority had only made reference to *"selective parts"* of the telephone conversation that they had had on 14 May 2009. She stated:

“During the conversation we also discussed the option of releasing the budget for Royal Protection, but this part of the conversation seems not to have made it into the refusal letter and therefore this important point has not been addressed. Like any public authority the Metropolitan Police must have to budget for the cost of Royal Protection and at the end of the financial year an assessment must be made on whether more or less has been spent”.

13. In the Commissioner’s view, constructive progress on this particular request does appear to have been attempted by way of the telephone call. This resulted in the public authority providing an additional response about the complainant’s clarified original request as well as a further response to an alternative (verbal) request. These were both included in the internal review. However, a difference of opinion then follows about the content of the telephone call, and the extent of this alternative request. Unfortunately, there is no written record of the exact telephone conversation by either party and nothing was followed up in writing at the time, although the public authority clearly addresses its own interpretation of the telephone call in its written response. Unfortunately the complainant did not point this out to the public authority, although it had provided contact details for her to telephone if she had any further enquiries, but she made the point to the Commissioner in her complaint. When the Commissioner queried the public authority’s position regarding the complainant’s view of its interpretation of their telephone conversation, it provided him with further reasons as to why section 12 would continue to apply to the complainant’s interpretation of the alternative (verbal) request. As this alternative interpretation of the request is not a valid freedom of information request, as it was not made in writing, the Commissioner has on this occasion addressed this separately in the ‘Other Matters’ section following this Notice.
14. The Commissioner will therefore consider in this Notice only the original request that the public authority covered in its internal review, i.e. the cost for the ‘close protection’ of royalty and for escorting officers.
15. During the course of the Commissioner’s investigation, as a result of information provided by the public authority, the complainant withdrew her complaint in respect of the final part of the request, i.e. part 9.
16. The complainant also raised the following issue to support her view that it would not take over 18 hours to ascertain the total cost of royalty protection:

"It has been widely reported in the press that an internal review is currently underway into the cost of Royal Protection by MPS. Such a review would require an assessment of the past and current cost of Royal Protection. Therefore we dispute the fact that it would take more than 18 hours to ascertain the cost of Royal Protection as this very issue is under review".

17. Although such a review may have been ongoing at the time of the request, it is the Commissioner's view that this has no direct bearing on this particular information request as it was not something which the complainant had actually requested. Were such a review indeed ongoing, and the Commissioner has not found it necessary to ascertain this, it would have its own terms of reference and objectives. According to the complainant it was *currently underway*, i.e. it was incomplete, and she provided no evidence to suggest that any work which may have been done would have included the specific information she requested. Any such review, if it were underway, may not be work which the public authority itself was conducting. It should also be borne in mind that any such review would not have the constraints of section 12 placed upon it, i.e. it would not need to be completed within 18 hours. The Commissioner has therefore not further considered this particular argument.

Chronology

18. On 7 December 2009 the Commissioner wrote to the complainant to advise her that he was commencing his investigation.
19. On 22 December 2009 the Commissioner commenced his enquiries with the public authority.
20. Following numerous emails and telephone conversations, the public authority sent the Commissioner a substantive response on 15 February 2010 followed by some further information on 16 February 2010.
21. On 17 February 2010, following the provision of an explanation which was agreed with the public authority, the Commissioner asked the complainant to withdraw her complaint in respect of part nine of her request. She agreed to this.

Analysis

Exemptions

Section 12 – cost of compliance

22. In its internal review of 22 May 2009, the public authority explained that it was refusing to respond to the first part of the complainant's original request because it believed section 12 applied. Section 12 removes the obligation on public authorities to comply with section 1 of the Act where the estimated cost of compliance with either part of that section would exceed what is known as "the appropriate limit". This limit is set by The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Fees Regulations). For non-central government public authorities such as the one in this case the appropriate limit is £450 (which can be calculated as 18 hours of work because an hour is charged at a standard rate of £25).
23. Section 17 sets out what details public authorities are required to provide as regards their reasoning where they refuse a request. Section 17 is recorded in full in a Legal Annex to this Notice. By virtue of section 17(1), public authorities are required to set out precise details as to which element of which exemption they seek to rely on and why they believe they can do so. However, a public authority is not obliged to set out such detail where it seeks to rely on section 12. Section 17(5) merely requires a public authority to state that it is relying on section 12 where it believes it has a basis for doing so. The practical consequence of this is that a public authority is not, strictly speaking, formally obliged to provide much detail in a refusal notice as to why it believes section 12 applies.
24. However, a public authority is obliged under section 16 to provide complainants with reasonable advice and assistance in accordance with the section 45 code of practice. More detailed analysis of this requirement is set out later in this Notice but the Commissioner would note at this stage that the section 45 code of practice includes recommendations as to good practice for engaging with a requester where a public authority seeks to rely on section 12 as a basis for refusal of their request.
25. In this case, the public authority only applied section 12 to the first part of the request. However, where a public authority has not referred to a particular exemption when refusing a request for information, the Commissioner may exercise his discretion and decide whether, in the circumstances of the case, it is appropriate to take the exemption into account during the course of his investigation. Having considered the

requests, the Commissioner was of the opinion that the public authority could aggregate the first eight parts of the request for the purposes of section 12 as they were all of the same overarching theme, i.e. royalty costs. When put to it, the public authority agreed that this was the position it should have taken.

26. Having analysed the correspondence, the Commissioner believes that there are two subsections of section 12 which are particularly relevant to this case.

- Section 12(4): allows a public authority to aggregate the cost of compliance with multiple requests in certain circumstances.
- Section 12(1): removes the public authority's obligation to provide requested information where the cost of identifying, locating, retrieving and extracting the requested information would exceed the appropriate limit.

27. Analysis of the application of section 12 in relation to this case has therefore been as follows.

- Has the complainant made one request with multiple parts or multiple requests in one letter?
- If the latter, can any of the requests be aggregated?
- Would compliance with the first part of the request exceed the appropriate limit?

28. Where the Commissioner finds that the public authority can rely on section 12(2) (which concerns the obligation to confirm or deny holding the information) in relation to one of the aggregated requests, then it follows that the public authority would not be obliged to confirm or deny whether it held any of the information caught by the scope of the aggregated requests.

Has the complainant made one request with multiple parts or multiple requests in one letter?

29. Section 12(4) can be engaged where one person makes two or more requests. It allows for the aggregation of these requests for the purpose of calculating costs in circumstances which are set out in Regulation 5 of the Fees Regulations². This Regulation provides that multiple requests can be aggregated where two or more requests relate, to any extent, to the same or similar information.

30. Given the effect of section 12(4), the Commissioner first considered whether the complainant's letter of 17 November 2008 constituted a single request with multiple elements or multiple requests. The

² <http://www.opsi.gov.uk/SI/si2004/20043244.htm>

Information Tribunal considered a similar issue in *Fitzsimmons v ICO & Department for Culture Media and Sport* [EA/2007/0124]³.

31. Taking the Tribunal's decision in *Fitzsimmons* (in particular its comments at paragraph 36) into consideration, the Commissioner would characterise the complainant's letter of 17 November 2008 as containing more than one request within a single item of correspondence.

Can any or all of the requests be aggregated?

32. Having established that the complainant had made multiple requests in a single letter, the Commissioner went on to consider whether those requests could be aggregated for the purpose of calculating the cost of compliance.
33. The Commissioner's task in considering whether any of the requests could be aggregated has been made somewhat more complicated by the fact that the public authority originally applied section 12 to the first part of the request only and decided to neither confirm nor deny that it held any further information by virtue of further exemptions. However, if the requests could be properly aggregated, then it was not obliged to confirm or deny whether it held any information (by virtue of the interplay between section 12(4) and section 12(2)).
34. Having considered the text of the eight parts of the request, the Commissioner has concluded that they can be aggregated for the purpose of calculating the cost of compliance because they follow an overarching theme about the public authority's costs for royalty protection.
35. Having reached this conclusion, the Commissioner went on to consider the application of section 12(1).

Would compliance exceed the appropriate limit?

The original clarified request

36. Having confirmed with the complainant what she required (this confirmation has not been disputed by the complainant), the public authority advised her, in its internal review, that:

"Obtaining costs specifically for the close protection of royalty and for escorting officers for 2005, 2006 and 2007 is held by the MPS, but would exceed the prescribed cost of 18 hours of work to retrieve and extract for numerous reasons".

³ <http://www.informationtribunal.gov.uk/DBFiles/Decision/i242/Fitzsimmons.pdf>

37. It went on to explain:

"The yearly costs for SO14 are recorded on what is called a cost centre. The different types of SO14 spend are recorded against budget group categories and general ledger codes within the cost centre, which hold another additionally detailed tier of information detailing each transaction. To identify costs specifically for the close protection of royalty and for escorting officers would require the Service to identify the names of the individuals working on the relevant teams who were tasked with these specific duties and extract their information from payroll on a monthly basis.

In terms of expenses accrued by the officers tasked with the specific duties mentioned above, we would have to go through every claim by officer by return, identify the officers working on protection duties and then extract the costs of protecting the principal around whom the information was requested.

To then locate and extract cost information regarding flight details would also require involvement from our travel services, where cross referencing information in local invoice archives[sic]. It would also include searching every record of transactions on the finance system to manually verify that the people identified as being the principal's protection officer took the flight associated with the delivery of the principal's protection.

I hope the explanation above provides further insight as to why we estimate that it would indeed take over 18 hours to extract and retrieve the details of costs specifically for the close protection of royalty and for escorting officers.

I add at this point that information which can be extracted and located within the 18 hour threshold is exempt from disclosure by virtue of Section 24(1) - (National Security), 31(1)(a)(b)(c) - (Law Enforcement) and Section 38(1)(b) - (Health and Safety)".

Conclusion

38. It is the Commissioner's view that the public authority has provided adequate explanations to support its position that it would exceed the appropriate limit to locate and retrieve the requested information, i.e. the original multi-part request which was clarified on the telephone prior to the internal review.

39. The Commissioner also notes that the public authority has previously neither confirmed nor denied holding information caught by the scope of parts two to eight of the original request, but that this was done citing different exemptions. However, as the Commissioner has decided that all remaining parts of the original request can be aggregated, and that the costs for compliance with the request is already exceeded by virtue of the first part of the request, he finds that the public authority has no duty to confirm or deny whether any further information is held by virtue of section 12(2). He will therefore not consider whether or not the other exemptions apply.

Procedural requirements

Section 16 – advice and assistance

40. Although the complainant did not specifically raise the provision of advice and assistance as an issue the Commissioner believes it is appropriate for him to consider it in this case. This is because the complainant advised him that: *"we also discussed the option of releasing the budget for Royal Protection, but this part of the conversation seems not to have made it into the refusal letter"*. The Commissioner will consider whether the public authority should have provided further help in order that the complainant could achieve the maximum success with her request.
41. Section 16(1) (full text can be found 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.
42. The Commissioner is satisfied that the original 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.
43. 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.

44. As can be seen earlier in this Notice, the public authority liaised with the complainant in an attempt to narrow the request. Although its interpretation of what the complainant required may have been flawed, it did state what its interpretation was when it provided its internal review. This interpretation was not directly challenged by the complainant who immediately approached the Commissioner with her complaint.
45. In the Information Tribunal's ("the Tribunal") case of *Ian Fitzsimmons v The Information Commissioner and DCMS* (EA/2007/0124) the Tribunal found, at paragraph 46, that:

"Section 12 of FOIA does not require a public authority to provide a costs estimate to a requestor. Paragraph 14 of the Second Edition of the Code of Practice issued in November 2004 by the Secretary of State pursuant to section 45 of FOIA (the 'Code') states:

"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"... 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-focusing their request, information may be applied to be supplied for a lower, or no, fee."

46. Accordingly, the Tribunal concluded at paragraph 47 that:

"A public authority that complies with the Code will be taken to have complied with its obligation to provide advice and assistance for the purposes of section 16 of FOIA. However, failure to comply with the Code does not necessarily mean that there has been a breach of section 16 of FOIA".

The Tribunal further clarified that, by expressly suggesting to the complainant that he narrow his request, the public authority in that case had complied with its statutory duties.

47. In view of this, the Commissioner finds that the public authority did try to provide advice and assistance to the complainant. He further notes that the public authority was willing to provide an internal review which it believed reflected the complainant's telephone conversation, although this had not been clarified in writing; unfortunately, this did not result in the information being more readily retrievable. However, as the public authority did consider a clarified request at the time of

the internal review the Commissioner does not find that the public authority was in breach of section 16.

The Decision

48. 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:

- it withheld the requested information on the basis that it would exceed the appropriate limit to provide it.

Steps required

49. The Commissioner requires no steps to be taken.

Other matters

50. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters.

Internal review

51. Part VI of the section 45 Code of Practice makes it desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information, and that the procedure should encourage a prompt determination of the complaint. As he has made clear in his 'Good Practice Guidance No 5', published in February 2007⁴, the Commissioner considers that internal reviews should be completed as promptly as possible. While no explicit timescale is laid down by the Act, the Commissioner has decided that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days. In this case, the internal review took in excess of 80 working days to be completed.

The alternative interpretation of the verbal request

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http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/foi_guidance_practice_guidance_5.pdf

52. The complainant advised the Commissioner that when she had spoken to the public authority to clarify her request they had discussed: *"the option of releasing the budget for Royal Protection"*, but that this had subsequently been omitted from the internal review.
53. When the Commissioner raised this issue with the public authority it provided a response in respect of this alternative request. It advised him as follows:

"If 'budget' is interpreted in the usual sense as meaning a sum of money allocated to a specific purpose, this would refer to the sum allocated for Royal Protection. This does differ in meaning from the costs of Royal Protection which were discussed in the response, which refers to the amount of money actually spent.

I have therefore made enquiries to determine whether a sum of money, a budget, is allocated for the specific purpose of Royal Protection. I can confirm that while there is a budget, this sum is allocated to SO14, the unit responsible for Royalty Protection, rather than being allocated specifically for Royal Protection. While protecting the Royal Family is a key part of the SO14 remit, the unit undertakes a range of other protection responsibilities, and the total budget figure does not differentiate between these activities" (see paragraph 4 above for a list of these responsibilities).

54. The public authority went on to explain that the protection responsibilities of SO14 extended beyond the protection of the British Royal Family. It gave the following examples:

"SO14 have responsibility for policing Lancaster House, which lies within the perimeter of St James' Palace (a royal residence). Lancaster House is widely used to host conferences and other events, for example, the Anglo-Irish Peace talks in 2004, and more recently the Afghanistan and Yemen Conferences, which are not themselves attended by members of the British Royal Family. It is estimated that up to 450 events are held at Lancaster House in any one year. In addition to this, SO14 also provide assistance to the Diplomatic Protection Group as required in respect of the protection of foreign dignitaries".

55. It then gave a further detailed explanation about how the information is held:

"The SO14 budget is not sub-divided into allocations for each of the areas of responsibility outlined above (see paragraph 4). The

total SO14 budget is broken down into smaller allocations in terms of Budget Group Categories and General Ledger Codes; these categories are discussed more fully below, but in brief, they represent particular types of spend, for example, police officer pay, overtime, transport and training. Each of these categories will contain activities relating to Royalty Protection, but will also encompass the additional protection duties performed by SO14. Actual spends and costs are recorded against these categories throughout the financial year and for comparison at year end. Effectively then, there is no budget for Royal Protection in the sense of a budget specifically for providing protection for members of the Royal Family.

The previous MPS response and Internal Review focused on the 'costs for the close protection of royalty (which includes the protection of royal residences) and for escorting officers rather than the wider interpretation of total costs incurred by SO14 Royalty Protection OCU for the years in question'.

I have mentioned above that the SO14 budget, and the costs – the actual monies spent by SO14 – are recorded against a number of categories and codes. Each of the individual categories will include spends for both Royalty Protection and the additional protection duties undertaken by SO14.

The different types of SO14 spend are identified in the first instance by Budget Group Categories. These categories are:

Police Pay

Staff Pay

Overtime for officers and staff

External training

Minor works (for example, local repairs, maintenance)

Transport Costs (for example, fleet vehicles, travel and subsistence which includes expenses and overseas travel)

Supply and services

Corporate Costs (for example, corporate transport and maintenance of cars)

Each Budget Group Category (BCG) is then further sub-divided into General Ledger Codes (GLC), which provide a further tier of information. The following provides an outline of the types and quantities of GLCs.

- The BCG for Police Pay contains 24 separate GLC. Examples of GLCs within Police Pay include Basic Pay, National Insurance, and Pension Contributions.*

- *The BCG for Transport Costs contains 14 separate GLCs. These include Fleet Vehicles, and Travel and Subsistence (which itself includes Expenses Claims).*
- *The BCG for Supply and Services contains 33 GLCs. Examples include Officer Uniforms, Staff Uniforms, Stationary, Office supplies, and Photocopying.*

As these categories record information for all SO14 activities, each would be likely to hold information relevant to this request. All would need to be reviewed to locate and retrieve costs relating to Royalty Protection. However, for the majority of GLCs, no further level of detail is given, so it is not possible to identify which aspect of the SO14 remit the spend relates to without retrieving the original documentation that supports each entry. Additionally, both Police Pay and Expense Claims are recorded with reference to the name of each individual officer. In order to retrieve relevant information in these cases, officers involved in Royalty Protection must be identified by name, and all relevant records then retrieved for each individual. With regard to the Overtime BCG, entries for officers within SO14 involved in Royalty Protection are recorded with reference to a team code. While these codes are searchable the codes refer to locations rather than individuals, as this is the mechanism by which the teams are assigned”.

Conclusion

56. Although it was not obliged to do so as this was not a valid request, it is the Commissioner’s view that the public authority has provided adequate explanations to support its position that it would exceed the appropriate limit to locate and retrieve the requested information i.e. the alternative interpretation of the verbal request. Whilst it might be expected that the budgets for SO14 would be structured in a different way, there is no requirement for the public authority to have such a structure and it must obviously organise its finances to suit its own requirements. The Commissioner does note that there is an overall budget allocated to SO14, but that this has not been requested so has not been considered. In any event, because of the large variety of duties performed by that unit, this budgetary figure would not satisfy the request for “royalty-related” information only.

Right of Appeal

57. Either party has the right to appeal against this Decision Notice to the First-Tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
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 sent.

Dated the 17th day of August 2010

Signed

**Gerrard Tracey
Principal Policy Adviser**

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

Legal annex

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

- (1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which –
 - (a) states that fact,
 - (b) specifies the exemption in question, and
 - (c) states (if that would not otherwise be apparent) why the exemption applies.

- (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.