

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2012

Public Authority: Royal Mail
Address: Pond Street
Sheffield
S98 6HR

Decision (including any steps ordered)

1. The complainant requested information that concerned delivery entries in the Royal Mail Track & Trace System. The Royal Mail confirmed that it held the relevant information but refused to comply with the request on the basis that to do so would exceed the appropriate cost limit (section 12(1)).
2. The Commissioner has found that the Royal Mail was correct to apply section 12(1).
3. The Commissioner requires no remedial steps to be taken in this case.

Request and response

4. On 24 March 2011 the complainant requested information from the Royal Mail in the following terms:
 - (a) *"For the full year 2010, of the Recorded Delivery letters at the extra charge of 74p per letter entered on the Royal Mail Track & Trace System? What percentage of those were entered as received, signed for by the consignee, then properly entered as such on the Royal Mail Track & Trace System."*
 - (b) *"In the same period, of the Recorded Delivery letters at the extra charge of 74p per Letter, in the W8, W9, & W10 area's of London entered on the Royal Mail Track & Trace System. What percentage of those how many were entered as received, signed for by the consignee, then entered as such on the Royal Mail Track & Trace System."*

5. 'Recorded Delivery letters' has been read to mean Royal Mail Recorded Signed For items.
6. On 18 April 2011 the Royal Mail issued a refusal notice explaining that Royal Mail Recorded Signed For items receive a final scan at the point of delivery. It is this information which is then uploaded to the Track & Trace system. For this reason the *'percentage of those that were entered as received, signed for by the consignee, then properly entered as such on the Royal Mail Track & Trace System'* is 100%.
7. The Royal Mail confirmed that it could collate information to provide the percentage of items entered "*properly*" into the Track and Trace system i.e. having obtained a signature and the information *correctly* being uploaded. However, the Royal Mail refused to disclose this information arguing it would exceed the cost limit (section 12(1)).
8. On 06 May 2011 the complainant asked the Royal Mail to undertake an internal review.
9. On 10 June 2011 the Royal Mail wrote to the complainant after conducting an internal review. It upheld its initial refusal notice.

Scope of the case

10. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
11. The scope of case will be to consider the Royal Mail's response and its use of the cost limit exemption as set out in section 12 of the FOIA, and in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Fees Regulations").

Reasons for decision

12. The Royal Mail explained to the Commissioner that Recorded Signed For items are not tracked through the course of the post; they are tracked at the point of delivery to provide customers with confirmation of receipt. Recorded Signed For items are therefore only entered onto the Track & Trace system following delivery. For this reason the *'percentage of those were entered as received, signed for by the consignee, then properly entered as such on the Royal Mail Track & Trace System'* is 100%. It is a system designed only to upload information following the delivery of Recorded Signed For items. The Commissioner is aware that where a Recorded Signed For item is not delivered it may be held at a

delivery centre or returned to the sender. The Track & Trace system records this information as the end point of 'delivery'. However, on such occasions the item is not signed for by the recipient and it follows that signature details are not entered into the system.

13. The Commissioner is satisfied that, bearing in mind the operation and purpose of the Track & Trace system, the Royal Mail has provided an accurate response to the complainant.
14. The request also makes reference to the input being "*properly entered*". The Royal Mail argued that to check the percentage of items which were correctly entered - having obtained a signature and the information correctly being uploaded to the Track & Trace system - would exceed the cost limits (section 12(1)).
15. Section 4(3) of the Fees Regulations sets out the basis upon which an estimate can be made:

"(3) In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only the costs it reasonably expects to incur in relation to the request in –

(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.

(4) To the extent to which 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 hour."

16. The Fees Regulations state that the appropriate cost limit is £600 for central government, legislative bodies and the armed forces and £450 for all other public authorities, which includes the Royal Mail. This is equivalent to 18 hours work.
17. Section 12(1) of the FOIA provides that public authorities do not have to comply with requests where the estimated cost of complying exceeds the appropriate limit as specified above.

18. The Royal Mail could not provide an accurate estimate of the time it would take to comply with the request but noted that over half of Recorded Signed For items are signed for using paper proof of delivery forms. Tens of millions of items would need to be checked to confirm the percentage for which a signature had been correctly obtained and then entered onto the Track and Trace system.
19. The Royal Mail described the task as "*massive*" and one which would "*clearly*" take more than 18 hours/cost more than the £450 appropriate cost ceiling.
20. The Commissioner is satisfied that the Royal Mail has identified the quickest, albeit the only, method to locate, retrieve and extract the information.
21. After considering all the arguments relevant to the cost limit exemption, the Commissioner is satisfied that the disclosure of information within the scope of the request would obviously exceed the 18 hour limit.
22. In reaching his decision, the Commissioner considers that any estimate should be sensible, realistic and supported by cogent evidence.¹ Bearing this in mind, the Commissioner has concluded that the Royal Mail applied the exemption at section 12(1) correctly to the request at (a) and (b).
23. Section 12 is an absolute exemption and is not subject to a public interest test. Therefore, the Commissioner cannot consider public interest arguments concerning the withholding or disclosing of the requested information.
24. Section 16(1) of the FOIA 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.
25. The Code of Practice issued under section 45 of the Act (the "Code") provides guidance on good practice to public authorities in carrying out their duties in relation to the Act. The Code includes suggestions in relation to the nature of the advice and assistance that public authorities should provide in relation to section 16 of the Act. Paragraph 14 of the Code recommends that:

" 14. 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"

¹ *Alasdair Roberts v The Information Commissioner* [EA/2008/0050]

(i.e. cost threshold) the authority should consider providing an indication of what, if any, information could be provided within the cost ceiling. The authority should also consider advising the applicant that by reforming or re-focussing their request, information may be able to be supplied for a lower, or no, fee."

26. The Royal Mail stated that no information falling within the scope of the request could be provided within the cost ceiling. The Royal Mail conceded that there was no way to reform or re-focus the request in order to achieve a lower fee.
27. The Royal Mail was eager to disclose information that otherwise might address some of the complainant's underlying concerns about the signatures obtained, accuracy and timeliness of deliveries. The Royal Mail offered to disclose the number of Recorded Signed For items entered onto the Track and Trace system to help informally resolve the complaint.
28. The complainant asked the Commissioner to end ongoing dialogue with the Royal Mail that sought to achieve an informal resolution during the investigation.
29. The Commissioner finds that the Royal Mail on this occasion provided an appropriate amount of advice and assistance even where it could not achieve a more desirable outcome for the complainant.
30. Therefore, the Commissioner has concluded that the Royal Mail complied with its duties under section 16 of the FOIA.

Right of appeal

31. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

32. 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.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
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