

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2024

Public Authority: Department for Levelling Up, Housing and Communities

Address: 2 Marsham Street
London SW1P 4DF

Decision (including any steps ordered)

1. The Commissioner's decision is that the Department for Levelling Up, Housing and Communities (DLUHC) is entitled to rely on section 12(1) of FOIA to refuse the multi-part request for Data Protection Impact Assessments as complying with it would exceed the appropriate cost limit. There was no breach of section 16(1), which concerns advice and assistance.
2. It's not necessary for the DLUHC to take any steps.

Request and response

3. The complainant made the following information request to DLUHC on 4 March 2024:
 - "1. Can you please provide the number of Data Protection Impact Assessments conducted by DLUHC in 2023?
 2. Can you please advise if these were a full assessment or a screening?
 3. Can you please disclose a brief description of each assessment, for example the title and any reasonable explanation to assist the reader?
 4. Can you please disclose a copy of your internal guidance and the template for your assessment?

5. Can you please disclose a copy of any training you have given to internal colleagues about assessments, for example the slides in any training session.”
4. In its response to the request dated 4 April 2024, DLUHC relied on section 12 of FOIA to refuse the request. It explained that it didn't hold the number of Data Protection Impact Assessments centrally. To provide the complainant with this number DLUHC said it would need to contact multiple teams across the Department and ask them to search through their records. DLUHC said that it also didn't hold details about these assessments centrally. Teams across the Department would need to go through each assessment found to produce the descriptions the complainant has requested. DLUHC said the Department is very large and has a broad portfolio, and so these searches would comfortably exceed the appropriate costs limit.
5. DLUHC advised the complainant how they might refine their request so that it would be possible to comply with it within the cost limit. For example, it said, they could focus on the training element of the request or ask for information on the Data Protection Impact Assessments conducted by a particular team or policy area.
6. DLUHC maintained its position following its internal review.

Reasons for decision

7. This reasoning covers whether DLUHC is entitled to rely on section 12(1) of FOIA to refuse the request and whether there was any breach of section 16(1).
8. Section 12 of FOIA concerns the cost of complying with a request. More detail about FOIA section 12 can be found in the Commissioner's ['Decision notice support materials'](#).
9. In cases where it's relying on section 12, under section 16(1) of FOIA a public authority should offer an applicant advice and assistance to help them refine their request if it's reasonable to do so.
10. In its submission to the Commissioner, the DLUHC has re-stated that it doesn't hold information about Data Protection Impact Assessments (DPIA), centrally. It's also told him that the Department does a great deal of data protection work.
11. DLUHC has gone on to explain that according to its latest published organogram, there are 139 Deputy Director-led divisions in the Department, each containing multiple teams. Whilst it can't provide an

exact number of all the teams in the Department, the organogram lists 395 Grade 6 employees who are listed as heads of teams in their job titles. DLUHC has noted that some of these Grade 6-led teams are themselves made up of multiple smaller teams.

12. DLUHC says that identifying and retrieving the details of all DPIAs carried out within the Department in 2023 would require hundreds of teams to search their records for DPIAs that may have been conducted. Additionally, it would need to search the archived files of teams that no longer exist or have moved to other government departments. DLUHC has stated that it can confidently reiterate that these searches would comfortably exceed the appropriate limit.
13. Taking the number of Grade 6 employees with 'Head of' in their job title as a starting point, DLUHC says it could use the number 395 as a minimum number of teams, although the real number is likely to be higher. It estimates that it would take 5 – 10 minutes for each team to check its records and identify what it holds:

$$395 \times @5 \text{ minutes} = 32.9 \text{ hours or } 395 \times @10 \text{ minutes} = 65.8 \text{ hours}$$
14. DLUHC says that this estimate doesn't include the time taken to redact personal information or comply with the other parts of the request relating to internal guidance and training.
15. In cases, such as this one, where, within a 60 day period, one applicant has submitted two or more requests that relate to the same or similar information, a public authority can aggregate the requests; if it would exceed the cost limit to comply with one of the requests, the authority doesn't have to comply with any of them.
16. The Commissioner is satisfied that it would exceed the £600 cost limit (in the case of DLUHC) to comply with parts of the request in this case and that section 12(1) is therefore engaged in respect of the whole request.
17. The Commissioner also considers that DLUHC offered the complainant satisfactory advice and assistance as to how they might refine their request and so there was no breach of section 16(1).

Right of appeal

18. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF