



Date: 16th December 2020

Our Reference: FOIA-2020-149

RE: Your request for information under the Freedom of Information Act 2000 (“FOIA 2000”)

Our Decision

I am writing regarding your email dated 8th December 2020 in which you requested the following:

- Anonymous details of monies earned by Non Service Associates for Technical Skills Surveillance from 01012018 until the current date, e.g. person 1 earned -£, person 2 earned etc.

Our response to your freedom of information request is detailed below.

Decision

When a request for information is made under FOIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

In line with section 1(1) of FOIA 2000, I can confirm that we do hold the information you have requested however the cost of complying with your request would exceed the appropriate costs limit.

Section 12 FOIA sets out a cost limit for requests. A public authority does not have to comply with a request where it exceeds the 'cost limit', this is defined in the Act as anything over 18 hours work costed at a set rate of £25 (in essence, a total limit of £450).

Information withheld on the application of s12 FOIA 2000

Your request exceeds the fees limit as outlined by the Secretary of State, in that to locate and extract the information you have requested would take longer than 18 hours or cost more than £450 (each hour is costed at a set rate of £25 per hour). Section 12 of the FOIA provides an exemption from a public authority's

obligation to comply with a request for information where the cost of compliance is estimated to exceed that limit.

Regulations 3 and 4 of the Fees Regulations state that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and/or
- extracting the information from a document containing it.

Preliminary investigation has indicated that the information you have requested would need to be manually extracted from our systems. Some Associates are engaged by the College for work outside of Technical Skills Surveillance and it would therefore be necessary to do a record by record examination in order to extract the requested data. A conservative estimate for this work is 28 hours, a figure in excess of the maximum cost of compliance given in the Act.

When section 12 of FoIA applies to a request, it applies to the whole request and the public authority is not obliged to answer any questions which may have fallen within the cost limit, provide information up to the cost limit or assume what an applicant would wish to receive. ICO guidance confirms that it is a matter entirely for the applicant to reconsider and, where appropriate, re-submit a refined request.

Even though your request is outside of the cost limit, we have a duty to advise and assist you under section 16(1) FOIA 2000 so that you may refine your request in a way that would bring it under the cost limit, where this is possible. It is a matter for you if you wish to do so.

The complexity of the current request is the need to manually extract data and compare records in order to separate out earnings for individual courses and work done. However, we are likely to be able to provide you with the total earnings of the Non-Service Associates that qualify to provide assistance with Technical Skills Surveillance, inclusive of all their work done, not just Technical Skills Surveillance work, inside of the cost limit. Alternatively, you could consider reducing the timeframe set in your original request however the date parameters would need to be shortened considerably in order to bring your request inside the cost limit and this may not provide you with any meaningful data.

Guidance from the Information Commissioner's Office (the Regulator with regards to FOIA) can be accessed via their website here:

https://ico.org.uk/media/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

We would welcome a revised request from you, however, if the information is held, it's important to state at this stage that the College reserves the right to apply any relevant exemptions to that information. It is also worth noting that when calculating the costs of complying, a public body can aggregate (total) the costs of all related requests received within 60 working days from the same person or from people who seem to be working together.

Your rights are provided at the end of this letter.

Yours sincerely,

Abi Robertson| Legal Services Manager
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Your right of review

Under the Freedom of Information Act 2000 you have a right to request an internal review if you are dissatisfied with our handling of your request. Review requests should be made in writing (by email or post) within **40 working days** from the date of our original response. We will aim to respond to your review request within **20 working days**.

The Information Commissioner's Office (ICO)

If, after lodging a review request you are still dissatisfied, you may raise the matter with the ICO. For further information you can visit their website at <https://ico.org.uk/for-the-public/official-information/>. Alternatively you can contact them by phone or write to them at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113