

London Borough of Barnet,
2 Bristol Avenue, Colindale, NW9 4EW

5 April 2023

Our ref: 9374412

Thank you for your request received on 10 March 2023, for the following information:

I want to analyze why some FOI requests were rejected, and why the data processing of some requests would exceed the 'cost limit'(under s.12 of the Freedom of Information Act (2000)).

Firstly, I want to ask some questions about your information storage system.

- 1. What is the electronic systems do you use to store operational data such as excel, email and SQL?**
- 2. Whether the query can be completed by searching keywords in the interactive interface, or need to use the database for the query. If there are restrictions on this, please provide them.**
- 3. What is the educational background (qualifications) of the staff members handling FOI requests - including those who make estimates under s.12 - and can they search the database using a programming language(eg. SQL)? We are not interested in the names of the staff members, merely their qualifications.**

I also want to know the common reasons that you may reject requests under s.12.

- 1. In the past 5 years, how many requests have been denied under s.12.**
- 2. For those requests in (1), can you provide a list of any recorded reasons that you rejected the request? (i.e. the detail of the 'estimate' you relied upon under s.12)**
- 3. For those requests in (1), could you please provide us with your search process (or proposed search process) for documents required for these rejected request cases?**

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exemptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below.

I want to analyze why some FOI requests were rejected, and why the data processing of some requests would exceed the 'cost limit'(under s.12 of the Freedom of Information Act (2000)).

Firstly, I want to ask some questions about your information storage system.

1. What is the electronic systems do you use to store operational data such as excel, email and SQL?

- Email is stored in the Cloud as part of our MS agreement.
- Files are stored on shared drives.
- SQL databases are on Virtual servers

2. Whether the query can be completed by searching keywords in the interactive interface, or need to use the database for the query. If there are restrictions on this, please provide them.

Email and Shares the ability to search is there by using key words

For SQL and applications this is down to individual services to confirm if they are able to search etc. See Refusal Notice below.

3. What is the educational background (qualifications) of the staff members handling FOI requests - including those who make estimates under s.12 - and can they search the database using a programming language(eg. SQL)? We are not interested in the names of the staff members, merely their qualifications.

The Freedom of Information Act (FOI) function is devolved within the Council.

The Council has a small corporate team who manage the corporate FOI process and are responsible for FOI policy and procedures and management of the case management system.

Employee educational background and qualifications are linked to individuals and may be collected as part of the job application process. This is personal data and not for disclosure – see refusal notice below.

Human Resources do hold the Job Descriptions, and where FOI is the core part of the role, these are attached. The Job descriptions set out the required qualifications for the role within the team, and I can confirm that these requirements are currently met by the officer's in post.

There is a network of around 20 Link Officers who do FOI as a part of their wider full time role, in the Council's service areas who are responsible for requesting and commissioning searches, gathering information received back and preparing responses held by their service area. These officers will receive in house training from the corporate Records and Information Management team on FOI policy and procedures. Link Officers draft signed off responses.

Any individual Council officer could potentially be assigned to carry out the searches on the databases they use, as there are over 1946 staff working for the Council we are applying exceeds cost limit and personal data apply. See refusal notice below.

I also want to know the common reasons that you may reject requests under s.12.

1. In the past 5 years, how many requests have been denied under s.12.

Under Freedom of Information Act (FOI) S12 exemption was applied to 201 of 6282 information requests received in the 5 year period.

Please note many requests received are handled under Environmental Information Regulations 2004 legislation, and cost limit would fall under the Manifestly Unreasonable exception. See refusal notice below.

2. For those requests in (1), can you provide a list of any recorded reasons that you rejected the request? (i.e. the detail of the 'estimate' you relied upon under s.12)

Please see attached excel report attached which lists all FOI s12 exemptions applied over the last 5 years.

Please note that some requests will use multiple exemptions and we unable to report in some instances where multiple exemptions are applied and a FOI s12 template is not used.

Use the reference number in the attached csv file. All request responses within last 3 months can be located on the FOI Disclosure log [Freedom of Information Requests | Barnet Council](#)

For past FOI requests over 3 months old, please see the [disclosure log](#)

3. For those requests in (1), could you please provide us with your search process (or proposed search process) for documents required for these rejected request cases?

Our attached template sets out process required to apply Section 12 exemption.

Refusal Notice:

S12 - Cost limit (Exceeds Appropriate Limit)

We are refusing your request under section 12 because we estimate that compliance with your request will exceed the "appropriate limit" under section 12. The appropriate limit is £450 which is equivalent to 18 hours at £25 per hour. The per hour figure is set by Regulation rather than actual salary paid to any officers handling requests. The appropriate limit includes the time it will take the council to discover if it holds the information requested, to locate it, extract it and collate it as well as putting it into any particular format requested by the requester. We have calculated that it will take approx 324 hours to comply with your request.

Our calculation is as follows: For the SQL applications. We would need to contact all SQL application owners. The information linked to this request is not held centrally. This would take a minimum of 5 minutes to complete a return for each application owner: $1946 \times 5 = \text{TOTAL } 162 \text{ hours}$

Our calculation is as follows: For qualifications held. We would need to contact all 1946 London Borough of Barnet employees job descriptions to see if they are required or it is desirable to hold an FOI qualification and if they are required to be or it is desirable to be proficient in programming techniques to be able to carry out SQL searches of databases. The information linked to this request is not held centrally.

This would take a minimum of 10 minutes to complete for each staff member: 1946 x 10min = 19460min/ 60 = 324 hours

Advice and Assistance

We are unable to suggest a way of narrowing the request as any officer could be called upon to carry out a search.

S40(2) identification of junior employees

By virtue of section 40 (2) of the Freedom of Information Act 2000 (FOIA), as disclosure of this information to the public generally, in the Council's view, would not be consistent with the data protection principle found in Article 5.1(a) of the General Data Protection Regulation (GDPR) lawfully, transparently and fairly. We have considered whether disclosure is lawful and fair and whilst it may be lawful under Article 6.1(f) GDPR (legitimate interests) it would not be fair to the individuals concerned who would not expect the names of junior employees to be disclosed as part of such a request.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information

Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.