

Reference: 1585188

Information Rights
Information.requests@ofcom.org.uk

17 April 2023

Freedom of Information: Right to know request

Thank you for your requests for information about Communications between Nominet and Ofcom between January and May 2022.

We received these requests on 17 March 2023 and have considered them under the Freedom of Information Act 2000 (“the Act”).

Your request

You asked: ‘

Please provide all communications between Nominet and Ofcom for the month of January 2022 and other documents making mentioning Nominet held by Nominet created or modified during the period, in any format they have been made. In the event you apply exclusions to any of the communications, please only apply the exclusions to the parts qualifying for exclusion and not the whole or any associated meta.

Please provide all communications between Nominet and Ofcom for the month of February 2022 and other documents making mentioning Nominet held by Nominet created or modified during the period, in any format they have been made. In the event you apply exclusions to any of the communications, please only apply the exclusions to the parts qualifying for exclusion and not the whole or any associated meta.

Please provide all communications between Nominet and Ofcom for the month of March 2022 and other documents making mentioning Nominet held by Nominet created or modified during the period, in any format they have been made. In the event you apply exclusions to any of the communications, please only apply the exclusions to the parts qualifying for exclusion and not the whole or any associated meta.

Please provide all communications between Nominet and Ofcom for the month of April 2022 and other documents making mentioning Nominet held by Nominet created or modified during the

period, in any format they have been made. In the event you apply exclusions to any of the communications, please only apply the exclusions to the parts qualifying for exclusion and not the whole or any associated meta.

Please provide all communications between Nominet and Ofcom for the month of May 2022 and other documents making mentioning Nominet held by Nominet created or modified during the period, in any format they have been made. In the event you apply exclusions to any of the communications, please only apply the exclusions to the parts qualifying for exclusion and not the whole or any associated me

You also stated that “Each request is to be treated as unique, while you may seek to combine them for your own efficiency, I do not consent to them being combined for the purposes of costs. Should you seek to combine the requests and apply cost capping to them as a whole as a delaying or obfuscation tactic as you have before, I will crowd-source the requests to be made by different entities and complaint to the ICO. The inefficiencies of your communication archiving and retrieval systems is your problem not the publics.”

Our response

Please note that similar requests made within 60 working days of the original requests can be aggregated into one for the purposes of calculating a cost limit, meaning that section 12 could still apply. Further information on aggregated requests can be found in this [Information Commissioner’s Office guidance](#), in particular paragraph 39 of this guidance states:

“When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;*
- made for the same or similar information; and*
- received by the public authority within any period of 60 consecutive working days.”*

We have noted that you previously have also made the below request for information on communications between Ofcom and Nominet in the last 60 days:

FOI ref 1563908 - Communications between Nominet and Ofcom up to 14 March 2022 (made 6 February 2023) [here](#).

We have aggregated your new requests and we consider that the aggregated requests are too broad in scope and we estimate it would take over 18 hours to comply with the requests. Under section 12 of the Act, public bodies are not obliged to comply with a request for information if the authority

estimates that the cost of complying with the request would exceed the "appropriate limit" as explained previously¹. Carrying out this request would take a substantial amount of time and resource. For guidance, please see: [costs_of_compliance_exceeds_appropriate_limit.pdf \(ico.org.uk\)](#)

We also previously responded to this FOI request in January 2023: FOI ref 1541647 - Communications between Nominet and Ofcom held for 2022. [Communications-between-nominet-and-ofcom.pdf](#)

Should you wish to submit a more focused narrow request, we shall consider this under the Act. Should you decide to make a further request for information, please note that other exemptions may apply.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Information requests

¹ Section 12 of the Act provides that we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the "appropriate limit". The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Regulations"), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. We estimate that it would take over 18 hours to identify and extract the information you requested.

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF