

Reference: 01581391

Information Requests
information.requests@ofcom.org.uk

11 April 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning Freedom of Information requests. Your request was received on 10 March 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

Your request & our response

For my research 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?

Ofcom uses Office365, Azure, SQL and a number of other database technologies to store electronic data.

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.

This depends on the data being requested, the volume of data to be searched and the technology required to query this data. In some cases a search using a keyword can be used, in other instances it may require a query to be written. The primary restriction will be the complexity of the query required and the volume of data that needs to be searched.

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.

There are three colleagues in the team that handles FOI requests. Given the very low numbers of colleagues in the team, we consider that disclosure of the educational background or qualifications

of these colleagues would be disclosure of personal information. We consider this information is exempt from disclosure under section 40 of the FOI Act. Section 40(2) of the Act provides that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulations and the Data Protection Act 2018. This includes the principle that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the Act and does not require a public interest test.

We are able to confirm that the team work with appropriate Ofcom colleagues that have the necessary skills and experience in the relevant subject matter to consider a particular FOI request and also engage with lawyers.

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.

Please see the information below regarding instances where section 12 of the FOI Act has been applied since 2018.

2018: 4
2019: 15
2020: 20
2021: 11
2022: 10
2023: 8

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)

We do not hold a readily available "list" of the reasons why section 12 of the FOI Act was applied in previous requests. The reasoning for each FOI request where section 12 of the FOI Act was applied can be found in the individual FOI response letters. We publish our FOI responses here: [Published responses to FOI requests - Ofcom](#), so you may wish to have a look at these. Here are some previous FOI responses where section 12 of the FOI Act was applied:

FOI [Reference: 01566750](#)

FOI [Reference: 1466585](#)

FOI [Reference: 01574083](#)

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?

The Information Requests team work with the relevant subject matter experts and our legal team to determine if information is held and what would be required to search for, identify and retrieve any relevant information. This would include information held on our various data and case management systems, emails and paper files. We may also discuss if there are any suggestions we

can give to the requestor on how they might narrow their request if we consider it to be very broad. If they then come back to us with a narrower request we are happy to look at this request.

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

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