

Reference: 01649578

Information Requests
information.requests@ofcom.org.uk

9 August 2023

Freedom of Information request: Right to know request

Thank you for your request concerning invoices not paid within 30 days. Your request was received on 24 July 2023 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request

"Please may you provide me, in Microsoft Excel or an equivalent electronic format, with a list of invoices that were not paid within 30 days for the last 6 financial years (2017/18 to 2022/23 inclusive) which would feed into the Regulation 113 Notice you are required to publish each year as part of your obligations under The Public Contracts Regulations 2015, with the following information for each invoice (where available):

- * The name of the Supplier*
- * Supplier email address*
- * Supplier company registration number*
- * Supplier postal address*
- * Supplier telephone number*
- * Supplier website*
- * The date of the invoice*
- * The invoice reference*
- * The gross value of the Invoice*
- * The date the invoice should have been paid by*
- * The actual payment date of the invoice*
- * The total amount of interest liability due to late payment of the invoice*
- * The total amount of interest paid to the supplier due to late payment of the invoice.*

For the avoidance of doubt we request the data behind payment performance summaries for Regulation 113 Notices, not the summaries themselves."

Our response

Under Section 12 of the Freedom of Information Act ('the FOI Act'), Ofcom is 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. The Regulations provide that costs are to be estimate at a rate of £25 per person per hour, which equates to 18 hours of time. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it.

Ofcom estimates that it would take at least 18 hours to search for and retrieve the information, in particular any information held prior to 2021. Due to the manner in which this information is stored, it would require a manual search of all invoices in order to identify any information which may be relevant to this request. As such the cost of complying with your request will exceed the appropriate limit. We have therefore unable to fullfil your request under Section 12 of the FOI Act.

Whilst you may wish to consider submitting a narrower, more focused request, we consider that it is likely that further exemptions would apply to some of the requested information, in particular, Section 40(2) of the FOI Act which covers the personal data of third parties and Section 43(2) of the FOI Act which applies to information which would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

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

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