

## CN46: Standard response template 12: Section 12(4) refusal (aggregation of requests)

[name]

[address]

Ref No:

[date]

Dear [Mr/Mrs/Ms *applicant's name*]

Thank you for your letter/email/fax [*delete as appropriate*] of [*date letter/email/fax*] requesting the following information: [repeat precisely those parts of the original request which described the information requested but omit any superfluous information in the request].

I am treating your correspondence as a request for information under the Freedom of Information Act 2000.

I am writing to confirm that we hold information on the subject you have requested<sup>1</sup>.

I also note that MOD has also received requests from you on the subject of [*insert theme of requests after having referred to guidance on the application of 12(4)*] contained within correspondence received from you on the following dates [insert dates]

Under the Appropriate Limit and Fees Regulations public authorities are able to aggregate two or more requests where they relate to any extent, to the same or similar information. provided certain conditions are met. These are where the FOI requests:

- are 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;
- are received within any period of 60 consecutive working days; and

Under Section 12(4) of the FOI Act, provided these conditions are met, the Department is permitted to regard the estimated cost of complying with any of the requests to be the estimated total cost of complying with all of them for the purpose of considering whether complying with the request would exceed the appropriate limit.

We are therefore applying exemption 12(4) to all of your requests for information about [*insert theme*] as they were all received since [ *insert date of first request.*]

It has been estimated that the cost of complying with your requests aggregated under the Fees Regulations as explained above would exceed the appropriate limit and therefore under the terms of Section 12 of the Act, we are not obliged to comply.. The appropriate limit is specified in regulations and for central government this is set at £600. This represents the estimated cost of one person spending three and a half working days in determining whether the Department holds the information, locating, retrieving and extracting it. [*If applicable explain to the applicant why their request would take longer than this – i.e. We have 30*

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<sup>1</sup> You are required to make this statement **unless** it would itself exceed the appropriate limit to confirm whether or not information is held. For example, if a request involved searching a large number of files manually because it was not possible to conduct an electronic search to determine whether or not information was held. .

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*boxes of files on the subject relating to your request and to go through all of these would take approximately 10 working days.]*

The MOD may be able to provide information requested if you reduce or refine your request to bring the cost of compliance under the limit. *[If possible suggest how the applicant may reduce their request – i.e. suggest a shorter date range or a more specific subject matter]* Please contact me if you would like to refine your request or require advice on doing so.

[Identify if there are any “requests” within the requester’s correspondence which are deemed to be seeking information which is insufficiently similar to be included within the scope of the theme of the requests aggregated under s12(4) and therefore need to be handled as individual requests in their own right. If this is so, this should be explained to the requester, who should be advised when he might expect a response]

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Deputy Chief Information Officer, 2<sup>nd</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.