

CN45: Standard response template: Section 12 Refusal - Appropriate Limit Exceeded

[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 MOD holds the information on the subject you have requested¹. However, I have to advise you that we will not be able to answer your request without exceeding the appropriate limit. This is because to [*locate, retrieve, extract*] information in scope of your request would involve ...[*give an indication of the extent of the searches required*] at least some [x] man days of effort.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it.

The MOD may be able to provide some information in scope of your request if you reduce or refine your request to bring the cost of compliance under the limit. [*If possible suggest a number of ways 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.

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, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail 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>.

¹ 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.