

FOI Release
Information released under the Freedom of Information Act

Title: Notices of complaint to the Secretary of State under s296ZE CDPA 1988.

Date of release: 6 April 2020

Information request:

- 1) How many complaints have been received
- 2) How many complaints have been upheld
- 3) The precise nature of which complaints have and have not been upheld
- 4) If possible, the years in which the above complaints took place.

I would be grateful if you could provide information on (1)-(4) above in relation to:

- (a) the total numbers since the legislation was enacted; and
- (b) the numbers since 15 August 2014 [the date of a previous similar FOIA release].

Information released:

Since 15 August 2014:

- 1) One notice of complaint has been issued to the Secretary of State under s296ZE.
- 2) It did not qualify for consideration by the Secretary of State.
- 3) The notice of complaint was in respect of copyright works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and time individually chosen by them. It was not upheld as it did not qualify for consideration by the Secretary of State under s296ZE (9).
- 4) 2015.

Since the legislation was enacted:

- 1) Ten notices of complaint have been issued to the Secretary of State since the Regulations on s296ZE came into force on 31 October 2003.
- 2) None qualified for consideration by the Secretary of State under s296ZE.
- 3) Nine notices of complaint were in respect of computer programs, none were upheld as they did not qualify for consideration by the Secretary of State under s296ZE. One was in respect of copyright works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and time individually chosen by them. It was not upheld as it did not qualify for consideration by the Secretary of State under s296ZE (9).

4) One was received in 2015 and the remaining nine were received prior to 15 August 2014. We are unable to provide a breakdown of the number of notices per year because we estimate that the effort required in extracting that information from our records would cost in excess of the appropriate limit for FOI requests.

(Section 12 of the Freedom of Information Act permits government departments or their agencies to refuse requests if they estimate that it is likely to cost over £600, equivalent to 24 man-hours of effort, to locate, retrieve and extract relevant information. We estimate that the cost of responding in full to the fourth part of your request would be likely to exceed the appropriate limit.)

Additionally, a notice of complaint was issued to the Secretary of State in 2015 for consideration under the then effective s296ZEA. The complaint was resolved through a voluntary agreement with the copyright owner which satisfied the complainant and therefore did not require a decision from the Secretary of State.