

**Date:** 1 February 2022

**Our Reference:** FOIA-2022-002

**RE: Your request for information under the Freedom of Information Act 2000 (“FOIA 2000”)**

I write in response to your Freedom of Information Act 2000 request dated 5<sup>th</sup> January 2021 in which you requested the following information:

- How much has the College of Policing spent on diversity training for its own workforce and which organisations were paid to provide that training.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received. In light of this, our responses and disclosures are published on our external website at a later date. This should be borne in mind where a request is made for personal data of named individuals.

## **Decision**

When a request for information is made under FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

In line with section 1(1) of FOIA 2000, I can confirm that we do hold the information you have requested however the cost of complying with your request would exceed the appropriate costs limit.

Section 12 FOIA sets out a cost limit for requests. A public authority does not have to comply with a request where it exceeds the 'cost limit', this is defined in the Act as anything over 18 hours work costed at a set rate of £25 (in essence, a total limit of £450).

### **Information withheld on the application of s12 FOIA 2000**

Your request exceeds the fees limit as outlined by the Secretary of State, in that to locate and extract the information you have requested would take longer than 18 hours or cost more than £450 (each hour is costed at a set rate of £25 per hour). Section 12 of the FOIA provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed that limit.

Regulations 3 and 4 of the Fees Regulations state that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and/or
- extracting the information from a document containing it.

You were unable to give a specific timescale for this request but suggested it should include information from before the 'advice was given by the Board to exercise the non crime hate edict' to current day. Hate crime guidance was initially produced by the predecessor to the College and subsequent iterations were produced by the College itself, informed in part by the 1999 Stephen Lawrence Inquiry. This timescale would therefore cover the period of time from the establishment of the College in 2012 to the present day, a period of almost ten years.

Preliminary investigation has indicated that the information you have requested would need to be manually extracted from our systems. Diversity training can be provided in a number of ways and therefore would not all be recorded under the same cost code, nor would it all be labelled in an easy to search manner under the title 'diversity'. Since the inception of the College we have some 4500 lines of staff training recorded, in order to locate the information you have requested we would need to manually access individual invoices from these lines to ascertain what specific training they relate to. A conservative estimate for this work would be days, rather than hours, a figure in excess of the maximum cost of compliance given in the Act.

When section 12 of FOIA applies to a request, it applies to the whole request and the public authority is not obliged to answer any questions which may have fallen within the cost limit, provide information up to the cost limit or assume what an applicant would wish to receive. ICO guidance confirms that it is a matter entirely for the applicant to reconsider and, where appropriate, re-submit a refined request.

Even though your request is outside of the cost limit, we have a duty to advise and assist you under section 16(1) FOIA 2000 so that you may refine your request in a way that would bring it under the cost limit, where this is possible. It is a matter for you if you wish to do so.

The complexity of the current request is the need to manually extract data and investigate records in order to separate out training in relation to diversity. However, we would be likely to be able to provide you with the amount spent on training provided by specific organisations, for example if you were to provide a list of training vendors which were of interest to you. Alternatively, you could consider reducing the timeframe set in your original request however the date parameters would need to be shortened considerably in order to bring your request inside the cost limit and this may not provide you with any meaningful data.

Guidance from the Information Commissioner's Office (the Regulator with regards to FOIA) can be accessed via their website here:

[https://ico.org.uk/media/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

We would welcome a revised request from you, however, if the information is held, it is important to state at this stage that the College reserves the right to apply any relevant exemptions to that information. It is also worth noting that when calculating the costs of complying, a public body can aggregate (total) the costs of all related requests received within 60 working days from the same person or from people who seem to be working together.

I trust this letter answers your questions. Your rights are provided in **Appendix A**.

Yours sincerely,

**Legal Services**  
**College of Policing**

Email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

Website: [www.college.police.uk](http://www.college.police.uk)

## **Appendix A**

### **Rights**

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of our original response, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

### **The Information Commissioner's Office (ICO)**

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, you can contact them by telephone or write to them at the following address:

#### **Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**

**Phone: 0303 123 1113**