

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 01 June 2011

Public Authority: University of the Arts London
Address: 272 High Holborn
London
WC1V 7EY

Summary

The complainant submitted a request to the University of the Arts London (the University) under the Freedom of Information Act 2000 (the Act) for various job related information on particular individuals employed by the University. The Commissioner has investigated the complaint and finds that the University of the Arts London (the University) has failed to respond to the complainant under the Act. Accordingly, no refusal notice was issued and the complainant was not offered the opportunity to request an internal review of the decision made. The public authority was in breach of its procedural obligations under the Act as a consequence. The request should be dealt with under the provisions of the Act and the Commissioner requires the University to respond to the complainant confirming or denying whether information is held. If information is held the University should either disclose the information to the complainant or issue a valid refusal notice under section 17 of the Act.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000. This Notice sets out his decision.

Background

2. The complainant submitted a request under the Act for various job related information on particular individuals employed by the University.

The Request

3. On 15 March 2011 the complainant requested the following information from the University:

'In accordance with the University's policy regarding Freedom of Information and, of course the FOIA would you please provide me with the following information for persons employed, either as a consultant or on an individual or temporary contract by the University of the Arts London.

Clearly, individual names must not be provided because of Data Protection but the level of detail that I require is that published already by the University at

http://www.arts.ac.uk/docs/LCCBUSINESSCASE070211v2_5_.pdf

Appendix 1 under the UAL efficiency Programme London College of Communication Business Case-Efficiency Programme.

I require:

1. *Contract hours worked (equivalent to FTE in appendix 1)*
 2. *Department in which they are employed (equivalent to Faculty/Dept in Appendix 1)*
 3. *Grade for the job*
 4. *Salary*
 5. *Job description (equivalent to Rationale for Redundancy/Redeployment.'*
4. On 23 March, 31 March and 4 May 2011 the complainant wrote to the University reminding it to respond to his information request.
5. To date the complainant has not received a response in accordance with the provisions of the Act.

The Investigation

Scope of the case

6. On 5 May 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled, specifically about the lack of a response to his request under the Act.

Chronology

7. On 6 May 2011 the Commissioner informed the University by telephone that he had received a complaint regarding the apparent lack of response to the complainant's information request dated 15 March 2011. The University acknowledged that it had failed to respond to the request and said that it would be passed to its Human Resources department for the requested information to be collated. It said that once this had been done a response would be sent to the complainant.
8. On 13 May 2011 the Commissioner phoned the University again to enquire as to when a response would be sent to the complainant's request dated 15 March 2011. The University said that it was still waiting for the relevant information from its HR department but would respond once it had been received.
9. On 18 May 2011 the Commissioner phoned the University once more to enquire as to when a response would be sent to the complainant. The University said it still had not received a response from its HR department but would send the complainant an acknowledgement in the meantime confirming that it was considering the matter.
10. On 26 May 2011 the Commissioner contacted the complainant to enquire as to whether he had received a response from the University.
11. On 31 May 2011 the complainant contacted the Commissioner to advise that he had not received a response from the University.

Analysis

12. The full wording of the sections detailed in this Notice can be found in the Legal Annex.

Procedural Requirements

Section 8 - Requests for information

13. Section 8(1) of the Act states that a request for information should be in writing, bear the name and address of the applicant and describe the information requested. The Commissioner considers that the request in this case can be defined as such and therefore constituted a valid request under the Act for recorded information.
14. The Commissioner holds the view that all communications made in writing to a public authority, including those transmitted by electronic means, may contain or amount to requests for information within the

meaning of the Act, and so must be dealt with in accordance with the provisions of the Act.

Section 10 – Time for response

15. Section 10(1) of the Act states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
16. From the information provided to the Commissioner in this case it is evident that the University has not responded to the complainant under the Act within the statutory time frame or at all, and therefore it breached section 10(1).

The Decision

17. The Commissioner's decision is that the University did not deal with the request for information in accordance with the Act. The University breached sections 10(1) of the Act by failing to provide a response to the request within the statutory timeframe of 20 working days.

Steps Required

18. The Commissioner requires the University to take the following steps to ensure compliance with the Act:
 - Comply with the request or issue a valid refusal notice under the Act
19. The University must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

20. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Right of Appeal

21. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)

GRC & GRP Tribunals,

PO Box 9300,

Arnhem House,

31, Waterloo Way,

LEICESTER,

LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 1st day of June 2011

Signed

Andrew White

Group Manager

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Legal Annex

General Right of Access

Section 1(1) provides that -

"Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him."

Request for Information

Section 8(1) provides that –

"In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested."

Section 8(2) provides that –

"For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request –

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference."

Time for Compliance

Section 10(1) provides that –

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

Refusal of Request

Section 17(1) provides that -

"A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(d) states that fact,

(e) specifies the exemption in question, and

(f) states (if that would not otherwise be apparent) why the exemption applies."