

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 June 2016

**Public Authority:** King's College London  
**Address:** 150 Stamford Street  
London  
SE1 9NH

#### Decision (including any steps ordered)

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1. The complainant has requested information from the King's College London ("the College") relating to the reasons why candidates who did not meet their offer grades in the academic years 2013 and 2014 were accepted onto the Bachelor of Medicine, Bachelor of Surgery ("MBBS") course.
2. The Commissioner's decision is that the College does not hold the information requested.
3. The Commissioner requires the College to take no steps.

#### Request and response

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4. On 26 November 2015 the complainant made the following request for information under the FOIA:  
*"Reference the information received with the attached email. Could you supply me under the FOI the reason for selection of the students on the spreadsheet who were given a place but did not achieve their offer grades for the years 2013 and 2014 on the MBBS course."*
5. On 30 November 2015 the complainant clarified his response, stating:  
*"The information I require is the reason why the candidates who did not meet their offer grades were accepted on the course. The difference being that the previous information gives the grades the candidates were accepted on only. I reiterate my request is for the reason of their selection and on what criteria they were given the offer, having not met their offer grades."*

6. On 18 December 2015 the College responded to the complainant's request, stating that the information he had requested was not held. It went on to say that the selection was conducted on an individual basis for those who do not meet the conditions of their offer.
7. On 3 December 2015 the complainant contacted the Commissioner to complain about the way his request had been handled, and was advised to request an internal review.
8. On 22 December 2015 the complainant requested an internal review, stating that he believed there must be a standard selection system and the information relating to this must be held within the College's files, even if not centrally.
9. On 2 February 2016 the complainant received a response to his internal review request, where the College upheld the original finding that the information he had requested was not held. The College also clarified that decisions about selections were made on a case by case basis and were therefore not held centrally.

### **Scope of the case**

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10. The complainant contacted the Commissioner on 9 March 2016 to complain about the way his request for information had been handled. Specifically he believed that the College did hold the information he had requested, though perhaps not in a central location.
11. The Commissioner contacted the College on 13 April 2016 and advised it of the complaint he had received. He asked the College to consider whether it held the information sought in the request in any location.
12. On 16 May 2016 the College contacted the Commissioner and confirmed that it did not hold the information requested by the complainant in any location.
13. The Commissioner has therefore had to consider whether the College holds any information falling within the scope of the request.

### **Reasons for decision**

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14. Section 1(1) of FOIA states 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”.*
15. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
  16. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
  17. The College explained that the information relating to why an individual in a particular year is accepted onto the MBBS programme with grades lower than the typical entry requirements is not recorded or held; centrally or otherwise.
  18. Furthermore, the College explained that the reasoning behind such a decision is not recorded on individual student records or applications as there is no business requirement to do so. Only the College's final decision is required to be recorded in order for the College to process the application and confirm their place.
  19. However, the College confirmed that it conducted a search of the application and student record for each student that enrolled without meeting the entry requirements for the programme in question on receipt of the information request, but found no information relating to the request.
  20. Based on the College's submissions, the Commissioner is satisfied that on the balance of probabilities, the information sought in the request is not held by the College.

## Right of appeal

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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,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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.

**Signed .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**