

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 May 2023

Public Authority: The Council of the University of Southampton
Address: University Road
Southampton
SO17 1BJ

Decision (including any steps ordered)

1. The complainant has requested University Council minutes in which his cases have been discussed. The University of Southampton ("the University") provided excerpts from the minutes.
2. The Commissioner's decision is that the University has provided the information it holds in scope of the request and as such has complied with its obligations under section 1 of FOIA. He requires no steps.

Request and response

3. On 29 January 2023, the complainant wrote to the University and requested information in the following terms:

"Please supply the full Council minutes relating to the FTT case and my FOI requests to Southampton re the Mountbattens, plus all information relating to discussions thereon at Council meetings"
4. The University responded on 24 February 2023. It stated that it held information relevant to the request. The Council provided excerpts from the minutes of three University Council meetings in which there were references to the complainant's First Tier Tribunal case and FOIA requests.

5. The complainant requested an internal review on 25 February 2023, disputing this was all the information held by the University.
6. Following an internal review the University wrote to the complainant on 14 March 2023. It stated that it had provided all the information it held.

Scope of the case

7. The complainant contacted the Commissioner on 15 March 2023 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to determine if the University has provided all the information it holds in scope of the request.

Reasons for decision

9. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to them.
10. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to check that the information is not held and he will consider any other reasons offered by the public authority to explain why the information is not held. The Commissioner will also consider any reason why it is inherently likely or unlikely that information is not held.
11. The complainant has argued that the 'highlights' mentioned in each of the minutes could not be the extent of the information held. The complainant emphasised his request was for the full Council minutes relating to his Tribunal case and FOIA requests regarding the Mountbattens and all information relating to discussions about this at Council meetings. The complainant strongly argued that the 'highlights' must have been discussed and therefore the detail of these highlights would be information relating to the discussions and be covered by the information request.
12. The complainant further stated he expected the minutes to summarise the discussions, including comments and queries by other Council members as it is the duty of Council members to probe, particularly in light of the publicity involved.

13. The University has made it clear that there is no further information in scope of the request held. It has stated that the subject has only been mentioned at Council meetings as an active case that the University was dealing with. Thus it was minuted that it was mentioned and nothing further. The University argued this was an operational matter and therefore not a subject on the Council agenda or a matter requiring significant discussion.
14. Whilst the arguments from the University are not extensive they do explain the situation. The complainant may be of the view that the issue being on the agenda or being referred to in 'highlights' must be an indication that further discussion occurred but there is no compelling evidence to suggest further recorded information exists. Even if further discussions did occur following the point being raised in the meetings if the discussions were not minuted then there is no recorded information held and no obligation on the University to record this.
15. In any event, the Commissioner considers that any information, if held, is likely to be the complainant's own personal data as it would relate directly to him and his appeals and requests and, as such, would be exempt from disclosure under section 40(1) of FOIA.
16. In cases such as these the Commissioner must make a decision on the balance of probabilities and has no reason to dispute the statement made by the University.
17. The Commissioner's decision is that, with no further evidence to the contrary, he considers the University has provided the recorded information it holds and complied with its obligations under section 1 of FOIA.

Right of appeal

18. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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

Jill Hulley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF