

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 July 2019

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

Decision (including any steps ordered)

1. The complainant submitted a request to the University of Southampton (the University) seeking information relating to the 'Mountbatten Archive'. The University has failed to respond to the request within 20 working days and has therefore breached section 10(1) of FOIA.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
 - Issue a substantive response, under FOIA, to the request submitted by the complainant on 23 April 2019.
3. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

4. The complainant submitted the following request to the University on 23 April 2019:

'This is an FOI request for a copy of the 'Brice index' listed on the attached 'Introduction to the Mountbatten Archive'.

5. The University sent the complainant an automated email receipt on the same date confirming that the request had been received.
6. Having failed to receive a reply, the complainant contacted the University on 26 May 2019 in order to chase a response to his request.
7. To date, the University has failed to respond to the request.

Scope of the case

8. The complainant contacted the Commissioner on 30 May 2019 to complain about the University's failure to respond to his request.
9. In line with her usual practice, the Commissioner contacted the University on 11 June 2019 to highlight the outstanding response. She requested that the University respond to the request within 10 working days. The University did not respond to the Commissioner's correspondence.
10. The complainant contacted the Commissioner on 30 June 2019 to request a decision notice be issued regarding the University's failure to comply with the request.
11. The scope of this notice and the following analysis is to consider whether the University has complied with section 10 of FOIA.

Reasons for decision

12. 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'

13. Section 8(1) of FOIA states:

'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.'

14. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under FOIA.
15. Section 10 of FOIA states that responses to requests made under FOIA must be provided *'promptly and in any event not later than the twentieth working day following the date of receipt.'*
16. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the University has breached section 10 of FOIA.

Right of appeal

17. 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@justice.gov.uk

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

18. 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.
19. 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

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