

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 September 2018

Public Authority: University of Oxford

Address: University Offices
Wellington Square
Oxford
OX1 2JD

Decision (including any steps ordered)

1. The complainant requested information about staffing levels at the University of Oxford ("the University").
2. The Commissioner's decision is that the University failed to respond to the request within 20 working days and has therefore breached Section 10 of the FOIA.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The University 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 FOIA and may be dealt with as a contempt of court.

Background

5. On 14 March 2018, the complainant made a request for information to the University regarding staffing levels. The request was as follows:

"Can I please request the following information:

In the last two financial years, broken down by year, (2015-2016, 2016-2017):

- [1] How many Grade 7 or 07S academic staff were employed at the University on either fixed term contracts or open ended contracts, linked to specific external sources of research funding (total number for this staff group)?*
- [2] How many of staff referred to in question 1 were hired by the University?*
- [3] How many of staff referred to in question 1 were made redundant or resigned?*
- [4] How many of the staff group in question 3 were employed by the university for 2 years or more?*
- [5] What is the average length of tenure for the staff group in question 4?*

Please segment numbers for points 3, 4 and 5 by reason for leaving of resignation or redundancy if information is held."

6. The complainant then attempted to clarify his request on 31 March 2018:

"Can I please clarify that in question 2 I'm asking for the number of those research staff hired in each financial year (ie. new starters)"

7. The University responded to that request on 18 April 2018. In respect of item [2], it did not break down the total by financial year or identify how many new starters there had been.

Request and response

8. On 18 April 2018, referring to the response to his earlier request, the complainant wrote to the University and requested information in the following terms:

"Thank you very much. For Item 2 could you return numbers for new starters please? Ie. Those hired by the university in each year in question, rather than which staff from item 1 are officially employed by the university?"

9. Despite the complainant chasing the University on 18 May and 29 May 2018, the University had failed to provide a substantive response by the date of this notice.

Scope of the case

10. The complainant contacted the Commissioner on 26 June 2018 to complain about the failure, by the University, to respond to the request.
11. In line with her usual practice, the Commissioner contacted the University on 13 July 2018 to highlight the outstanding response. The University's server rejected the email. Unfortunately, due to staff leave, this correspondence was not picked up by the Commissioner's Office.
12. On 31 July 2018, the complainant contacted the Commissioner again to say that the University was yet to issue a response. On 14 August 2018, the Commissioner successfully contacted the University, explaining that she considered the correspondence of 18 April 2018 to have been a fresh request for information and asked the University to issue a response.
13. Given that the response to this request remains outstanding, despite her intervention, the Commissioner considers that a decision notice is appropriate in this case.
14. The scope of this notice and the following analysis is to consider whether University has complied with Section 10 of the FOIA.

Reasons for decision

15. Section 1(1) of the 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.*

16. Section 8(1) of the 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.*

17. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

18. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

19. 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 the FOIA.

Right of appeal

20. 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

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

21. 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.
22. 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

Ben Tomes
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