

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 April 2023

**Public Authority:** The Council of the University of Cambridge  
**Address:** The Old Schools  
Trinity Lane  
Cambridge  
CB2 1TN

#### **Decision (including any steps ordered)**

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1. The complainant has requested that the Council of the University of Cambridge (the University) provide a copy, or link to, the rules and regulations it "used to recruit" a named individual. The University's position is the information is not held.
2. The Commissioner's decision is that, on the balance of probabilities, the University does not hold the requested information. The Commissioner does not require further steps.

#### **Request and response**

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3. On 21 January 2023, the complainant made the following request for information to the University:

"a PDF or a link in the internet in which your statements regarding the rules and regulations that you have used to recruit [name redacted] in 2018 and also after 2020, and today would apply....

..... the relevant information that I am asking is related to your statement.

  1. Furthermore, between 2014 and 2020 there existed a clear written exemption from this requirement for all recruitment into

'PhD level roles', which the regulations defined as encompassing all academic and research roles at a Higher Education Institution."

2. The resident labour market test has not been applicable since 2020."

4. The final position of the University was that it does not hold the requested information.

### **Reasons for decision**

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5. This reasoning covers whether the University holds the requested information.

6. The information requested is essentially a copy of the UK's immigration rules, in particular those that apply to the employment of foreign nationals.

7. The University's stated position is:

"...the information requested is not held. To be held by a public authority for the purposes of the FOIA the information requested must be held by that authority (e.g. on its systems) and it must be held to any extent for the University's own purposes (as opposed to purposes wholly unconnected to University business). While this information is likely to be in the public domain through official websites run by other organisations (e.g. the UK government), the University does not itself hold a copy."

8. In this case there is no requirement for the University to hold a separate copy of the rules and regulations (from those available online), or any good reason to expect that the University would hold them. The Commissioner is therefore satisfied that, on the balance of probabilities, the University does not hold the requested information.

9. The Commissioner appreciates that the complainant may believe that the University should hold the requested information. However, FOIA is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities at the time the request for that information is made. FOIA does not cover whether public authorities should hold information - it only provides access where information is held.

## Right of appeal

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10. 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](mailto:grc@justice.gov.uk)

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

11. 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.
12. 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 .....**

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