

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

### **Decision notice**

**Date:** 24 January 2024

**Public Authority:** The Governing Body of the University of Oxford

**Address:** Wellington Square  
Oxford  
OX1 2JD

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

---

1. The complainant requested information from the University of Oxford ('the University') relating to assets owned by the University. The University refused to comply with the request citing section 12 of FOIA (cost limit).
2. The Commissioner's decision is that the University was entitled to refuse to comply with the request in accordance with section 12(1) of FOIA. The Commissioner also finds that the University complied with its obligations under section 16 to offer advice and assistance.
3. The Commissioner does not require the University to take any steps.

#### **Request and response**

---

4. On 8 July 2023, the complainant made the following request for information to the University:

"Under the Freedom of Information Act, I would like to request the following information:

- (1) Where known and recorded, a list of assets owned by the University of Oxford and its connected/related entities that were directly funded by or gifted from known slave-owning people or organisations,
  - (2) Where known and recorded, a list of assets owned by the University of Oxford and its connected/related entities that were directly funded by or gifted from people or organisations who have benefitted from forced/bonded labour,
  - (3) Where known and recorded, a list of assets owned by the University of Oxford and its connected/related entities that were directly funded by or gifted from people or organisations who have financially benefitted from deprivation of liberty (insofar as this occurs in health and care settings and contexts),
  - (4) Where known and recorded, a list of assets owned by the University of Oxford and its connected/related entities that were funded by or gifted from people or organisations who were known (either at the time or afterwards) to support Nazism,
  - (5) For any assets listed in (1) - (4), please provide any assessments made of known 'value' of such assets (specifying the type of valuation method and underlying methodologies used, e.g. estimated market value or otherwise),
  - (6) For any assets encompassed by the parameters in (1) - (4), can the University of Oxford and the relevant connected/related entities provide information on: (a) for those assets which require ongoing or anticipated maintenance costs or other such expenditures, was the budget for such expenditures also provided by those same aforementioned funding/gifting individuals, (b) where the answer to (a) is 'No' or 'not known', can the University of Oxford and the relevant connected/related entities provide any guarantees or assurances as to whether tuition fees (through student finance arrangements or otherwise) may or may not be used to fund such expenditures, (c) whether there have been any offers made to purchase, recycle, remove or otherwise dispose of these assets."
5. The University responded on 8 August 2023. It stated that it did not hold a central record detailing the source of all the assets it owns, or how those assets have been funded. The University added that it did not hold information relating to individual colleges, which are separate legal entities and public authorities in their own right under FOIA. The University then signposted the complainant to website links for the University's museums and its financial guidelines that may hold some of the requested information.

6. As part of its internal review response, provided on 25 September 2023, the University advised that, although the requested information was not held centrally, it was possible that some information relating to the request could be held by the individual departments within the University. However, it considered that it would not be able to confirm and provide this within the cost limit set out in section 12 of FOIA. In terms of advice and assistance, the University suggested that it may be possible to search centrally held records for assets which were funded by specific organisations or individuals. It also suggested that if the complainant were able to identify specific assets owned by the University, it may be able to provide some information on how those assets were funded.

### **Scope of the case**

---

7. The complainant contacted the Commissioner on 1 October 2023 to complain about the way their request for information had been handled.
8. The Commissioner considers the scope of this case to be to determine if the University has correctly cited section 12(1) of FOIA in response to the request. The Commissioner has also considered whether the University met its obligation to offer advice and assistance, under section 16 of FOIA.

### **Reasons for decision**

---

#### **Section 12 – cost of compliance**

9. Section 12(1) of the FOIA states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the “appropriate limit” as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Fees Regulations”).
10. Section 12(2) of the FOIA states that subsection (1) does not exempt the public authority from the obligation to comply with paragraph (a) of section 1(1) (the duty to inform an applicant whether it holds information of the description specified in the request) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit. The University relied on section 12(1) in this case.
11. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 at £600 for central government, legislative bodies and the armed forces and at £450

for all other public authorities. The appropriate limit for the University is £450.

12. The Fees Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 18 hours for the University.
13. Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the cost it reasonably expects to incur in carrying out the following permitted activities in complying with the request:
  - determining whether the information is held;
  - locating the information, or a document containing it;
  - retrieving the information, or a document containing it; and
  - extracting the information from a document containing it.
14. A public authority does not have to make a precise calculation of the costs of complying with a request; instead only an estimate is required. However, it must be a reasonable estimate. In accordance with the First-Tier Tribunal in the case of *Randall v Information Commissioner & Medicines and Healthcare Products Regulatory Agency EA/2007/0004*, the Commissioner considers that any estimate must be "sensible, realistic and supported by cogent evidence". The task for the Commissioner in a section 12 matter is to determine whether the public authority made a reasonable estimate of the cost of complying with the request.
15. Section 12 is not subject to a public interest test; if complying with the request would exceed the cost limit then there is no requirement under FOIA to consider whether there is a public interest in disclosing the information.
16. Where a public authority claims that section 12 of FOIA is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16 of FOIA.

**Would the cost of compliance exceed the appropriate limit?**

17. As is the practice in a case in which the public authority has informed the complainant that it holds the information, the Commissioner asked the University to provide a detailed estimate of the time or cost involved in providing the information falling within the scope of this request.

18. In its submission to the Commissioner, the University stated that it does not hold a single document or register which lists all the assets it owns. The University does hold some central registers which record some of the assets owned. However, these registers do not include the specific detail of whether those assets were funded by entities which have been involved in any of the activities described in the request.
19. The University explained that it has a highly devolved structure, in which individual departments and units are granted considerable autonomy in how their activities are managed. There are over 50 academic departments, sub-departments, research institutes and research centres, in addition to a significant number of libraries, museums and service departments. Therefore, in order to determine whether any information in scope of the request might be held locally, the University explained that it would need to contact each of these departments, and they each would have to conduct a search of their records. Even if each search took no more than 30 minutes, the University estimates that this would exceed the limit prescribed in FOIA.
20. The University added that if it were to limit the scope of its search to central University departments, such as the Development Office and Estates Services, it still considered that appropriate limit would be exceeded. It explained that, taking only significant donations made to the University (such as those listed in the University's Trust regulations), and buildings managed by Estates Services, it would be necessary to cross-reference records relating to over 400 donations and buildings to ascertain if any additional records were held which include information relevant to the request.
21. The Commissioner considers that the University estimate that it would take more than the 18-hour limit to respond to the request is reasonable. The University was therefore correct to apply section 12(1) of FOIA to the complainant's request.

### **Section 16(1) – The duty to provide advice and assistance**

22. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45

code of practice<sup>1</sup> in providing advice and assistance, it will have complied with section 16(1).

23. The Commissioner notes that in both its response and internal review response the University provided details of other areas where the requested information may be held. It also suggested ways that the request could be refined but advised that it still may not be possible to provide the requested detail within the cost limit. The Commissioner is therefore satisfied that the University met its obligations under section 16 of FOIA.

---

<sup>1</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

## Right of appeal

---

24. 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)

25. 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.
26. 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**