

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 October 2024

Public Authority: The Governing Body of Goldsmiths' College
Address: New Cross
London SE14 6NW

Decision (including any steps ordered)

1. The Commissioner's decision is that Goldsmiths' College, ('the College') is entitled to rely on section 12(1) of FOIA to refuse the complainant's request for information about contracts. This is because complying with the request would exceed the appropriate cost limit.
2. However, the College should have offered the complainant advice and assistance to help them submit a refined request, and therefore it didn't comply with its obligation under section 16(1) of FOIA.
3. The Commissioner requires the College to take the following step to ensure compliance with the legislation:
 - Provide the complainant with appropriate advice and assistance to help them formulate a request that is likely to fall within the appropriate cost limit.
4. The College must take this step within 30 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

5. The complainant made the following information request to the College on 27 March 2024:

“Please can you provide details of all contracts between Goldsmiths, College of London and PricewaterhouseCoopers (PwC), since January 2021. Please include all contracts (printed or computer file) and associated emails/letters.

This is to include:

- Contract title/Name of the project (e.g. ‘Transformation Programme’).
- Contract start and end dates, and any clauses concerning possible extensions or renewals.
- The name of the PwC manager(s) leading the work specified in the contract(s)
- Payment arrangements (e.g. amounts/percentages PwC will receive based upon savings made, bonuses, spend to date, and the timescale of future payments).

Please let me know if you require any further details from me.”

6. On 25 April 2024, the College responded to the request; it relied on section 12(1) of FOIA to refuse it.
7. The complainant requested an internal review on 27 April 2024, but the College didn’t provide one.

Reasons for decision

8. This reasoning covers the College’s reliance on section 12(1) of FOIA to refuse the complainant’s request and whether the College complied with its obligation under section 16(1). The matter of the internal review will be discussed under ‘Other matters.’
9. Under section 12(1) of FOIA a public authority such as the College can refuse to comply with a request if the cost of complying with it would exceed the appropriate limit of £450 (18 hours work at £25 per hour).
10. Section 16(1) obliges a public authority relying on section 12 to offer an applicant advice and assistance on refining their request to bring complying with it within the cost limit, if it’s possible to do so.
11. He isn’t going to detail it in this notice but in its submission to the Commissioner, the College has provided the Commissioner with a background and context to its contracting with PricewaterhouseCoopers (PwC). The College has discussed its reservations about disclosing this information – for example, it’s likely to be of interest to PwC’s competitors. However, this investigation is focussed on the College’s reliance on section 12 and its submission goes on to discuss that matter.

12. The College says that its Finance and Procurement Team identified that the College had entered into two contracts with PwC between January 2021 and 27 March 2024. The team helped to locate relevant information, such as contract titles, name of the projects, start and end dates.
13. However, the request includes relevant "associated emails/letters." The College commissioned its IT services to undertake searches to locate emails and letters. It had been ascertained that there was likely to be significant correspondence between the College and PwC in advance of entering into each contract.
14. For example, there would be correspondence about the scope of services, agreeing commercial and contract terms and putting in place data sharing agreements. A broad information gathering exercise associated with one of the contracts had also been facilitated between PwC and certain College managers. It was anticipated that this would have generated a significant email footprint. The College also knew that this activity was running in parallel with finalising the scope "and commercials" in respect of the contract.
15. Finally, some information the College would hold about an earlier contract would only be likely to be held as "CC" copies of emails. This is because some individuals who had been involved at the time were no longer with the College.
16. The College therefore determined that it was not reasonably possible to identify which specific individuals' mailboxes may hold relevant information. So, rather than undertaking searches focusing on the mailboxes of named individuals, the College undertook a much broader search. This search looked:
 - across "All College mailboxes" (as is not possible to filter searches to exclude students)
 - for any messages where the sender or recipient email address contains "@pwc.com"
 - between the period 1 January 2021 and 27 March 2024.
17. The search returned 3,156 emails. The College carried out an initial sifting review of the returned emails, examining the subject line, senders, and recipients of these emails. This discounted 1,717 emails on the basis that they were evidently not relevant to the scope of the request. These emails related to marketing, careers, the involvement of College staff in the business of other organisations and personal domestic matters.

18. The College says that the initial activity of conducting searches, extracting found material and reviewing it consumed around two hours.
19. The initial sifting of the 3,156 emails located by the search undertaken by IT services left 1,439 emails containing 519 attachments. The College considered that this material would require a more detailed examination of the content in order to determine whether the information fell within the scope of the request.
20. After carrying out a small sample exercise, the College says it assumed that it would take on average two minutes per email, including attachments, to read and, if relevant, extract any appropriate material. From this it derived an estimate of 47.97 hours to process the remaining 1,439 emails containing 519 attachments.
21. To test the reasonableness of the estimate, the College says it extracted the contents of emails (excluding the attachments) into a PDF document which amounted to 4,673 pages. On the basis that looking at each page would take on average 30 seconds, the College estimated that it would take 38.94 hours to process the PDF files. Adding to this the College estimated that looking at each attachment would take on average one minute. Consequently, the College says it would need to add on another 8.65 hours totalling 47.59 hours. In summary both analyses lead to an estimate of around 48 hours.
22. The College says that it considers that its estimate is sensible, realistic, and reasonable. It has noted, correctly, that if it starts to carry out some searches without an initial estimate, it can stop searching as soon as it realises that it would exceed the appropriate limit to fully comply with the request. The College isn't obliged to search up to the appropriate limit.
23. In respect of its duty under section 16, the College considers that its ability to provide meaningful advice and assistance in this instance is limited. It says it could only suggest that the complainant "might narrow the scope of their request as there are no obvious ways of reframing the request."
24. Finally, the College has noted that other FOIA exemptions may apply to a significant amount of the requested information, namely exemptions concerning, for example, commercial interests, personal information, and information provided in confidence.
25. The College is therefore mindful that if the scope of the request were to be more focused it's likely that it would still need to assess whether the amount of work that would be involved in dealing with potentially exempt information scattered throughout the requested material would

impose an unreasonable burden on it [in which case the College could rely on section 14(1) of FOIA, which concerns vexatious requests].

26. The Commissioner is satisfied that the College has appropriately considered the complainant's request and carried out appropriate sampling exercises. Given the volume of correspondence caught by the request, the Commissioner is satisfied that the College was entitled to refuse the request under section 12(1) of FOIA.
27. Regarding section 16(1) however, the Commissioner considers that it would be possible to narrow the scope of the request, for example by removing the correspondence element completely, or by focussing that element to specific correspondence. The Commissioner finds that the College therefore should have provided the complainant with advice and assistance to help them submit a refined request.
28. That said, it's certainly the case that other exemptions might apply to information caught by a refined request.

Other matters

29. Providing an internal review isn't a requirement under FOIA but is a matter of good practice. In most cases an internal review should be provided within 20 working days of the request for one. The College offered an internal review in its initial response to the request. For monitoring purposes, the Commissioner has recorded that the College didn't then provide a review on this occasion.

Right of appeal

30. 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

31. 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.
32. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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