

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

### **Decision notice**

**Date:** 19 May 2025

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

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

---

1. The complainant has requested information from the Council of the University of Cambridge (the University) regarding an article which a student co-authored. The University advised that this information was not held by it for the purposes of FOIA.
2. The Commissioner's decision is that the University does not hold the requested information for its own purposes and it therefore falls outside the definition of information held for the purposes of FOIA under section 3(2).
3. The Commissioner does not require further steps.

### **Request and response**

---

4. On 8 September 2024, the complainant wrote to the University and requested information in the following terms:  
  
"In respect of this report [website article redacted], where your staff and/or PhD students are named as authors or having assisted in writing it, please provide (1) any records of research ethics review (2) any correspondence and (3) any records of the interview with [name redacted] cited within it. We also ask for any email correspondence to

and from your institution from [names redacted], or the Australian eSafety Commissioner's office. We constrain this (entire) request to the last six months.”

5. The University responded on 4 October 2024. It stated that the information was not held by the University in any extent for its own purposes. A position which it maintained during its internal review.

### **Scope of the case**

---

6. The complainant contacted the Commissioner on 12 December 2024 to complain about the way their request for information had been handled. They specifically advised that they believed the University was incorrect to state that the information was not held by the University for the purposes of FOIA.
7. In addition to this, the complainant also raised a concern that the University did not respond to their request by the same method it was received.
8. The Commissioner considers that the scope of his investigation is to consider whether the University does hold the requested information for the purposes of FOIA.

### **Reasons for decision**

---

#### **Section 3(2)(a) of the FOIA – Information held by the public authority**

9. Section 3(2) of FOIA sets out the legal principles that establish whether information is held for the purpose of FOIA.
10. Section 3(2) of FOIA states:
  - “3.(2) For the purposes of this Act, information is held by a public authority if-
  - (a) it is held by the public authority, otherwise of behalf of another person, or
  - (b) it is held by another person on behalf of the authority.”

11. The Commissioner's guidance on section 3(2)<sup>1</sup> states that when information is held by a public authority solely on behalf of another person, it is not held for FOIA purposes. However, information will be held by the public authority if the information is held to any extent for its own purposes.
12. The Upper Tribunal considered the meaning of section 3(2)(a) in the case of *University of Newcastle upon Tyne v the Information Commissioner and the British Union for the Abolition of Vivisection* [2011] UKUT 185 (AAC, 11 May 2011). It explained that the concept of 'holding' information for FOIA purposes "is not purely a physical concept, and has to be understood with the purpose of the Act in mind." This means that information may be present on a public authority's premises (or even its IT network) but not held by the authority for FOIA purposes. To be considered 'held' for FOIA purposes, there has to be "an appropriate connection between the information and the authority
13. The University advised the complainant in its response, that the information requested was not held to any extent by the University for its own purposes. It explained that the co-author of the article was a student at the University, but the article in question did not form any part of their PhD work or studies.
14. The University informed the Commissioner that as the article in question was unconnected to the student's PhD work or studies at the University, the requested information would not be held by the University for the purposes of FOIA. It advised that FOIA only applies to information held by a public authority to any extent for its own purposes and none of the information held by the student regarding the article in question satisfies this.
15. The University explained that it does encourage students to pursue outside interests as long as these interests do not adversely affect their studies. It added that this is supported by its IT policies which outlines that students may use University IT facilities for reasons not connected to their studies, as long as such use is not excessive and does not interfere with the core teaching and research activities of the University.
16. It also advised that, whilst a member of staff from the University was mentioned within the article, this member of staff was not the student's PhD supervisor. The University informed the Commissioner that the member of staff in question was able to confirm that their involvement

---

<sup>1</sup> [Information you hold for the purposes of FOIA | ICO](#)

with the article was limited to a single background conversation with the student.

17. The University confirmed that as students are encouraged to pursue outside interests, staff members are also permitted to undertake other work or have other interests outside of their work at the University. This again is supported by the same IT policies, and thus permits the use of University IT facilities for purposes wholly unconnected to contractual employment duties for staff.
18. The University stated that if any information was stored within a University IT account, this does not necessarily comprise of information that is held by the University for the purposes of FOIA.

### **The Commissioner's decision**

19. Having considered the University's response and the information being requested, the Commissioner is satisfied that any information that may be held in the University's server on behalf of the student, is not held by the University for the purposes of FOIA.
20. As outlined by the University, the requested information was not created by the student for the purposes of their studies. The University has clearly explained that, whilst it may permit students to use its servers for outside interests, this does not mean that it then holds any information relating to these activities for its own purposes.
21. The Commissioner is satisfied that the requested information appears to relate directly to an outside interest of the student. He has seen no evidence to suggest that the University has any purpose for the requested information, or any involvement in its creation.
22. Whilst the Commissioner acknowledges the complainant's concerns that a member of staff from the University was also mentioned within the article, the University has again outlined that the staff member involved was not the student's PhD supervisor and was not acting in any capacity for the University.
23. Based on the above, the Commissioner does not consider that there is an appropriate connection between the University and the requested information. Due to this, the Commissioner is satisfied that the University does not hold the requested information for the purposes of FOIA.
24. He does not require any further steps to be taken.

## Other matters

---

25. The Commissioner would like to take this opportunity to explain to the complainant that whilst his guidance does state that responding to requests by the same method it was received is best practice, (in this case X), this is not a statutory obligation and public authorities do have discretion about how best to provide their response. His guidance makes clear that some social media platforms have certain limitations which render them unsuitable for providing a response in some circumstances.<sup>2</sup>

---

<sup>2</sup> [Recognising a request made under the Freedom of Information Act \(section 8\) | ICO](#)

## Right of appeal

---

26. 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)

27. 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.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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