

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 April 2025

Public Authority: Conference of Colleges (University of Oxford)
Address: University Offices
Wellington Square
Oxford
OX1 2JD

Decision (including any steps ordered)

1. The complainant requested various information in relation to discussions or opinions on the topic of "occupation of the Wellington Sq offices by pro-Palestine activist groups such as OA4P". The Conference of Colleges (University of Oxford) (the Conference) did not respond to the request. Following the intervention of the Commissioner, the Conference informed the Commissioner that it was not a public authority for the purposes of the FOIA.
2. The Commissioner's decision is that the Conference is not a public authority for the purposes of the FOIA and is not therefore required to respond to the request. The Commissioner does not require any steps.

Request and response

3. On 7 July 2024, the complainant wrote to the Conference and requested the following information:

"One. - Documents, agendas or minutes (or other common names in this spirit) that date from the 01-01-2024 to the 07-07-2024 and that are related to discussions or opinions on the topic of the 'occupation of

the Wellington Sq offices by pro-Palestine activist groups such as OA4P'. This is in the context of multiple committees and sub-committees of the Conference of Colleges

Two. - Electronic communications between representatives of the Steering and/or Main Committees of the Conference of Colleges and select senior officers of the University of Oxford. This can also be limited from the 01-01-2024 to the 07-07-2024. For the avoidance of doubt, I refer to communications issued on behalf of those two committees and sent to (or received from) the Vice Chancellor, the Registrar, and the Pro—Vice-Chancellors of the University of Oxford, and that are related to the topic defined in point **One** of this requisition."

4. As stated in paragraph one of this notice, the Conference did not respond to the request.
5. On 6 August 2024, the complainant sent a reminder to the Conference in respect of their request.

Scope of the case

6. The complainant contacted the Commissioner on 7 August 2024 to complain about the failure of the Conference to respond to their request for information.
7. Following correspondence to the Conference in respect of this complaint, the Conference informed the Commissioner that it is not a public authority for the purposes of the FOIA.
8. The Commissioner informed the complainant that he agreed that the Conference is not a public authority for the purposes of FOIA, however the complainant requested that a formal decision notice should be issued so that they can appeal the decision to the First-tier Tribunal (Information Rights) (the FTT).
9. The scope of the Commissioner's investigation is therefore to consider whether the Conference is a public authority for the purposes of FOIA.
10. In the case of *Fish Legal v Information Commissioner & Others*¹ the Upper Tribunal Administrative Appeals Chamber (the UT) ruled that the

¹ [Fish Legal v IC & Ors \(Information rights : Information rights: practice and procedure\) \[2015\] UKUT 52 \(AAC\) \(19 February 2015\)](#)

Commissioner has jurisdiction to both investigate and decide whether a body is a public authority.

11. The Commissioner therefore has jurisdiction to decide this question. The FTT may also hear appeals against the Commissioner's decisions and the UT may hear appeals against the decisions of the FTT.

Reasons for decision

12. The FOIA gives members of the public the right to access recorded information held by public authorities and places a duty on public authorities to respond to requests for such information.
13. If a public authority receives a request for information they are legally obliged to provide a response within 20 working days of receipt of the request, unless any of the exemptions contained within Part II of the FOIA apply. If a public authority believes an exemption does apply to the requested information then it must explain why the exemption applies in accordance with section 17 of the FOIA.
14. As stated previously, the question for the Commissioner to consider in this case is whether the Conference is a public authority for the purposes of the FOIA.
15. The definition of a public authority is given under section 3(1) of the FOIA. In particular, it states that a 'public authority' means:-
 - (a) subject to section 4(4), any body which, any other person who, or the holder of any office which-
 - (i) is listed in Schedule 1, or
 - (ii) is designated by order under section 5, or
 - (b) a publicly owned company as defined by section 6.
16. Section 5 allows the Secretary of State to designate a public authority by order.
17. Section 6 states that a company is a "publicly-owned company" for the purposes of section 3(1)(b) if it is wholly owned by the Crown or is wholly owned by any public body listed in Schedule 1 (other than a government department or any authority which is listed only in relation to particular information).
18. The Commissioner agrees that the Conference is not an organisation listed in Schedule 1 of the FOIA and is not therefore a public authority by virtue of section 3(1)(a)(i) of the FOIA.

19. The Commissioner is not aware of any section 5 order that would make the Conference a public authority.
20. The point for the Commissioner to consider therefore is whether the Conference is a publicly owned company under the definition of section 6 of the FOIA for the purposes of section 3(1)(b).

The complainant's position

21. The complainant considers that the Conference is subject to the FOIA by virtue of section 6 of the FOIA as referred to above, on the basis that it is a publicly owned company.
22. The complainant has referred to section 6(2)(b) of the FOIA which provides that a company is wholly owned by the wider public sector if every member is a person falling within sub-paragraph (i) or (ii), where (i) means a relevant public authority or a company wholly owned by the wider public sector and (ii) means a person acting on behalf of a relevant public authority or of a company wholly owned by the wider public sector.
23. The complainant went on to state that section 6(3) indicates that the definition of 'company' includes any body corporate and 'relevant public authority' means any public authority listed in Schedule 1 other than a government department, or any authority which is listed only in relation to particular information.
24. The complainant also referred to section 84 of the FOIA which confirms that 'body' does include unincorporated associations and considers that the Conference is such an association.
25. Further, the complainant referred to the membership of the Conference which is largely made up of Colleges and Permanent Private Halls and argued that if they can prove that the conditions from section 6(2)(b) are met amongst any or all members of the Conference, it is self evident that the Conference is subject to the FOIA.
26. The complainant added that all members of the Conference are covered either by paragraph 53 or paragraph 55 of Schedule 1, Part IV of the FOIA. They further stated that all members of the Conference are themselves subject to the FOIA and on this basis consider that they have proved that the Conference is a public authority for the purposes of FOIA as the conditions from section 6(2)(b) are met.
27. The complainant made further submissions to the Commissioner on the basis, that if he does not agree that the Conference is covered by section 6 of the FOIA because it is an unincorporated association and cannot exist, then the requested information must be held by every

single member of the Conference and so they should have answered the request considering they 'hold' the information requested.

28. The complainant referred to two previous decision notices under case reference FS50124622² and case reference FS50534928³ arguing that when Cambridge University and Girton College respectively, tried to argue that they did not hold the information, the Commissioner dismissed their arguments.
29. The complainant considers that regardless of the exact method, either by 'direct existence' and 'ownership' via section 6 of the FOIA, or via the information being 'held', the Conference ought to designate an agent and reply to the FOIA request.

The Conference's position

30. The Conference informed the Commissioner that it is not the governing body of a registered higher education provider as set out in Schedule 1 Part IV, paragraph 53(1)(a-e) of the FOIA. It is also not the governing body of any college of higher education provider which falls within paragraph 53(1)(a) or a university which falls within paragraph 53(1)(b) of the FOIA.
31. The Conference added that it is not a part of the University of Oxford, but a forum for the Colleges of the University to act collectively on issues that matter to them, and it also acts as a voice for College interests with the University.
32. The Conference informed the Commissioner that the key point is that it is not a separate legal entity, but an unincorporated association of members. It further clarified that it is not wholly owned by the wider public sector and added:

"It is not "owned" at all, nor is it a subsidiary of any wider public sector body including the University. Instead Conference was expressly set up to provide a forum for the self-governing colleges of the University".
33. The Conference provided the Commissioner with a copy of the following documents:

² https://ico.org.uk/media2/migrated/decision-notices/469056/FS_501of24622.pdf

³ https://ico.org.uk/media2/migrated/decision-notices/2013877/fs_50534928.pdf

- The current Standing Orders for Conference of Colleges (dated December 2023).
- The proposals for the structure of the Conference from 2000.
- The brief history and overview of the University of Oxford's governance arrangements which included a reference to the establishment of a Conference of Colleges, while also making it clear that:

"an essential characteristic of Oxford today is the position of the independent and self-governing colleges and permanent private halls as part of the collegiate university".

34. In response to the Commissioner's queries regarding the Conference's financial arrangements, the Conference referred to clause 11.1 of the Standing Orders which stipulates that its costs are met by subvention from the Colleges, and drew the Commissioner's attention to clause 11.5 which imposes a levy on the Colleges.
35. In response to the Commissioner's queries around who employs its staff, for details of its governing body, and for submissions as to why it does not consider itself an 'other institution', the Conference confirmed that its staff are employed by one of the Colleges of Oxford, that it has no governing body, and reiterated that it is a forum for colleges to act collectively on issues that matter to them and it also acts as a voice for College interests within the University. It added that as it is not an 'institution' it cannot be classed as an 'other institution' under Schedule 1, Part IV, paragraph 53(1)(e) of the FOIA.

The Commissioner's conclusion

36. As stated in paragraph 18 and 19 of this notice, the Commissioner accepts that the Conference is not an organisation listed in Schedule 1 of the FOIA and is not therefore a public authority by virtue of section 3(1)(a)(i) of the FOIA. Neither is the Commissioner aware of any section 5 order that would make the Conference a public authority.
37. Further, the Commissioner has seen no evidence to suggest that the Conference is a company, therefore on the face of it, section 6 is not relevant in this case. However, the Commissioner is mindful that it is also important to consider whether the Conference is instead part of a body which is a public authority, such as the University or one of the Colleges.
38. The Commissioner has carried out a search of the University of Oxford's Statutes and Regulations, and notes that while they contain reference to the Conference, and provide for certain members of the Conference to

be members of various University bodies, he found nothing to suggest that the Conference was set up by, or is part of the University itself.

39. The Commissioner has also considered the Constitution of the Conference and the current Standing Orders for the Conference and notes that they support the submissions by the Conference that it is not a legal entity, but an unincorporated association of its members (the Colleges and Permanent Private Halls).
40. Whilst it appears that most, if not all of the membership of the Conference are public authorities in their own right, based on the evidence referred to throughout this notice, the Commissioner can only conclude that the Conference itself is not a public authority for the purposes of the FOIA.
41. The Commissioner is also mindful that his two decision notices referred to by the complainant were both made to a body which is a public authority, ie the University of Cambridge and Girton College respectively. In these cases, the question was whether the requested information was held by the public authority as opposed to whether they were in fact public authorities for the purposes of the FOIA.
42. In the first case (FS50124622), the University of Cambridge held information about the work of the Committee and in the second case (FS50534928), information held by the Committee was considered to be held by Girton College.
43. However, regardless of whether or not the Conference holds relevant information, the Commissioner is satisfied that the Conference is not a public authority for the purposes of the FOIA and as such, the Conference is not required to respond to the complainant's request under the FOIA.

Other matters

Advice and assistance

44. Although the Conference is not obliged to respond to the complainant's request, the Commissioner considers that his guidance entitled 'Outsourcing – FOIA and EIR obligations'⁴ to be of relevance here. In particular, the following paragraph from the guidance states:
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⁴ [Outsourcing – FOIA and EIR obligations | ICO](#)

"A joint working or partnership arrangement is an agreement which sets out the rights and responsibilities of each partner in the partnership. An example of this could be a Memorandum of Understanding. The arrangement may have its own name and branding but not have its own legal personality. This means it is not a body with its own legal rights and duties. In this scenario, a FOIA or EIR request to that body is, in effect, a request to all parties involved in the partnership. This means that, in practice, one of the public authorities in the partnership may take the lead in gathering the information and coordinating the response to the request. However, each of the parties involved needs to establish what relevant information they hold."

45. The Commissioner is therefore mindful that this suggests that while the Conference is not required to respond to the request, one of the Colleges should take the lead in gathering all the information to respond to the request. However, as it has been established that the Conference itself is not in fact a public authority for the purposes of the FOIA, the Commissioner has no jurisdiction to instruct the Conference to pass this request onto one of the Colleges to co-ordinate a response. The Conference may however decide to do this voluntarily.

Right of appeal

46. 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

47. 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.
48. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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