

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

### **Decision notice**

**Date:** 7 January 2016

**Public Authority:** University of the Arts London  
**Address:** 272 High Holborn  
London  
WC1V 7EY

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

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1. The complainant has requested information from the University of the Arts London ("the University") relating to grants received by the University during the period 1999 -2014.
2. The Commissioner's decision is that the University has correctly applied section 12(1) of the FOIA to the request.
3. The Commissioner requires the University to take no steps.

#### **Request and response**

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4. On 15 June 2015, the complainant wrote to the University and requested information in the following terms:

*"The information I am requesting concerns all research grants received by the University of the Arts London and its predecessor institution the London Institute from the Arts and Humanities Research Council (AHRC) and its predecessor organisation the Arts and Humanities Research Board (AHRB) during the period from 1999 to 2014.*

*Please send me:*

*For each grant the relevant project code, project title and AHRC/AHRB grant reference.*

*For each grant the accounting ledger from the University's finance system setting out financial transactions relating to each research*

*project. I would expect each ledger to be annotated with the relevant project code and project title.*

*For each grant the final statement of expenditure submitted to and accepted by the AHRC or its predecessor the AHRB".*

5. The University responded on 24 July 2015. It explained that as part of its record management, the University does not retain research grant records for more than six years and it would therefore not hold the information for some of the years in which the information was requested for. In addition to this, the University explained that in relation to the more current records, these are held elsewhere and are reasonably accessible to the general public. The University explained the records were held by the research council AHRC and provided the complainant with a link where he could access the requested information.
6. Upon receipt of this response, the complainant asked for an internal review to be carried out. He further explained that he had contacted AHRC who had confirmed that it did not hold the requested information.
7. The University provided the outcome of its internal review on 5 August 2015. It explained that to comply with the request would exceed the appropriate cost limit of compliance. It therefore cited section 12 of the FOIA.

## **Scope of the case**

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8. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He disagreed with the University's application of section 12 to the request.
9. The Commissioner has had to consider whether the University was correct to apply section 12 to the request.

## **Reasons for decision**

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10. Section 12(1) allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations.)
11. This limit is set in the fees regulations at £600 for central government departments and £450 for all other public authorities. 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 in this case.

12. In estimating whether complying with a request would exceed the appropriate limit, regulation 4(3) states that an authority can only take into account the costs it reasonably expects to incur in:
  - a. determining whether it holds the information;
  - b. locating a document containing the information;
  - c. retrieving a document containing the information; and
  - d. extracting the information from a document containing it.
13. The four activities are sequential, covering the retrieval process of the information by the public authority.
14. The University explained that the information requested covers a period of 15 years. The University further explained that it believes that it does hold some of the information requested, but the majority of the records are archived off-site. The University also confirmed that some of the older records would have been destroyed in accordance with the University's records management policies.
15. The University explained that at the time of the request, the University's Research Management and Administration team checked its archiving records to establish a reasonable estimate of time which would be involved in responding to the request. Since the Commissioner's involvement, the Research Management and Administration team have revisited the request and it has confirmed the following.
16. In order to locate the financial records, the University explained that it would be necessary to retrieve approximately 12 boxes of records from the University's off-site archive. The archiving system which was in place when these records were archived is such that it would not be possible to identify precisely which boxes needed to be retrieved. The University explained that it would therefore be necessary to retrieve all the boxes which might potentially hold financial information relating to AHRC/AHRB grants and to examine all the records in each box.
17. The University explained that the precise content of the archived files is unknown. Each file would therefore need to be checked individually. The University explained that it is expected that the number of research grants received from AHRC/AHRB during the period of 1999 – 2014 would number in the tens rather than in the hundreds and it would

therefore be a case of combing through files to find the information which related to grants from those bodies.

18. The University further informed the Commissioner that:

*"The University introduced a new finance system in 2013, which means that the project numbering, format and budget codes which were previously used in the financial records are no longer used and are significantly different to the current systems which are in place. The unfamiliarity of the previous system would make this a very time-consuming task for the current members of the team as they have a limited knowledge of the old finance system or the structure prior to the introduction of the current Research Management and Administration function.*

*Each of the 12 boxes is expected to hold 5 or 6 lever arch files. It is estimated that reviewing each box to determine whether the required information is held would be likely to take 2 hours per box, and then located the precise information and extracting it from documents and files would be expected to take at least another 6 hours. The person carrying out the work would also undoubtedly need to consult colleagues to ensure that the information had been correctly captured, given the changes to the University's finance systems. Accordingly the University believes that the process of determining whether we hold the information required, locating and retrieving the information required and extracting the information from any files and documents would take at least 30 hours of work".*

19. The University stated that it is possible for the time involved in complying with the request could take more or less than 30 hours. However, it considered that its estimate was reasonable and maintained its position that section 12 applied to the request.
20. The Commissioner considers that the estimate provided by the University is a sensible and reasonable one. In coming to this conclusion, he has determined that realistically it would take longer to search paper files for the information rather than if the information was stored electronically. Also he has taken into account the fact that the University now has a new finance system in place and it would be more difficult to identify and extract the information requested as it relates to its previous finance system.
21. On this basis the Commissioner is satisfied that complying with the request would exceed the appropriate cost limit for compliance and the University was therefore correct to rely upon section 12.

## Right of appeal

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22. 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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

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

23. 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.
24. 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 .....**

**Chris Hogan**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**