

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 March 2019

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 associated with a particular conference held at Trinity College, University of Cambridge ('the University'). The University released what it said was all the relevant information that it holds, having first redacted personal data from it. The complainant considers that the University holds further information.
2. The Commissioner's decision is as follows:
 - On the balance of probabilities, the University complied with section 1(1) of the FOIA and holds no further recorded information that falls within the scope of the complainant's request.
3. The Commissioner does not require the University to take any remedial steps.

Request and response

4. On 26 June 2018 the complainant wrote to the University and requested information in the following terms:

"On April 3rd 2017, the Modern and Medieval Languages Faculty hosted a CamMACT conference at Trinity College Cambridge.

Could you provide me with:

1) The list of schools name tags were prepared for.

2) The list of schools that attended

3) Copies of all questionnaires that were completed by attendees. I believe that there were at least 20 but no more than 50.

Could you please cover up/omit the names of specific teachers."

5. The University responded on 25 July 2018. It said it did not hold the requested information.
6. The University provided a review on 23 August 2018. It confirmed it does not hold information falling within the scope of parts 1 and 2 of the request. The University revised its position with regard to part 3 of the request; confirming that it holds relevant information and releasing this to the complainant (with personal data redacted).

Scope of the case

7. The complainant contacted the Commissioner on 30 August 2018 to complain about the way his request for information had been handled. On 13 January 2019 the complainant confirmed that the focus of his complaint is the University's response to parts 1 and 2 of his request.
8. The Commissioner's investigation has focussed on whether, on the balance of probabilities, the University holds any information falling within the scope of these two parts of the complainant's request.

Reasons for decision

Section 1 – general right of access to information held by public authorities.

9. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled a) to be told if the authority holds the information and b) to have the information communicated to him or her if it is held and is not exempt information.

10. The information in this case is a list of schools for which conference name tags were prepared, and a list of schools that attended the conference in question. In correspondence to the Commissioner, the complainant has said that he considers that there are potentially two sources for this information. First, from an organisation called Eventbrite that was involved in running aspects of the conference. The second would involve IT specialists examining the hard drives of those responsible for the conference. The complainant has provided no further detail on this second point.
11. In its submission to the Commissioner, the University has provided a background to the request – which she does not intend to detail here – and has addressed the complainant's points concerning Eventbrite and the use of IT specialists.
12. The University says that when it received the request, it made enquiries of the relevant Faculty and, in turn, of a particular individual who had managed part of the conference's administration. Both confirmed that: (a) the Eventbrite booking system did not ask those booking a place to supply their school affiliation; (b) the nametags for attendees were generated automatically from the Eventbrite system and accordingly did not list school affiliation; (c) there was no sign-in sheet for attendees to indicate their school affiliation; and (d) the feedback questionnaires did not ask attendees to indicate their school affiliation (as opposed to their broadly defined school type).
13. The University acknowledges, however, that: (i) a small number of those booking places on the Eventbrite system used an email address that purportedly links them to an identifiable school; and (ii) five of those booking places entered into email correspondence by applying for a travel bursary to attend the conference, and the specific schools of those five individual are known.
14. The University says that, in light of the above, its position is that the information requested was never collected and so is not held, except insofar as a small sub-set of it *might* be held as a result of (i) above and *is* held as a result of (ii) above.
15. With regard to (i), the University's contention is that the use of a particular email address to book a place does not equate to the University holding a partial list of schools booking places to attend the conference and so that sub-set of the information is not held.
16. With regard to (ii), the University says it has already disclosed that sub-set of the information to the complainant in response to a separate request for information that he submitted to it.

17. The University has argued that because of the factual set of circumstances outlined above (ie the vast majority of the information simply not having been collected in the first place), neither a review of the records on the Eventbrite system nor a forensic technical examination of IT equipment would assist in locating the information requested. It is furthermore the University's view that any attempt to retrospectively compile the lists requested by the complainant (eg by attempting to link the names of those booking and/or attending to their schools through internet searches of public domain websites) would constitute the creation of new information which is not required under the FOIA (setting aside its questionable legality under data protection legislation).
18. In response to the Commissioner's more routine questioning the University has explained that, unlike for its responses to other requests that the complainant has submitted, searches of electronic data, and the matter of what search terms may have been used, were not applicable in relation to this particular request. Similarly, the University says that the question of whether information was destroyed or deleted is also not relevant in this specific case. This is because, the Commissioner assumes, the University's position is that it does not hold, and never has held, the requested information.
19. The University says its records management policies and procedures do not cover records retention and destruction at this level of specificity. It has acknowledged that the information sought by the complainant might have been collected in the first place to aid the thorough evaluation of the conference's success, and the University implemented this change for the administration of the 2018 conference. The University says it would expect such records to be kept while necessary for future planning purposes (and has noted that they do not contain personal data) and usually for around six years following the conclusion of any conference.
20. The University has concluded its submission by re-stating that it might, in retrospect, have been useful if it had collected the requested information for the 2017 conference, for example to ascertain whether attendees from schools in different regions of the country were disproportionately represented or otherwise. But the University has finally confirmed that there is no core business requirement to have collected or retained the disputed information.
21. The Commissioner has considered the complainant's and the University's positions with regard to the two elements of the request: 1) a list of schools for which conference name tags were prepared, and 2) a list of schools that attended the conference. With regard to both elements, the University has explained that Eventbrite did not ask those booking

on to the event to supply their school affiliation. In addition, nametags for attendees were generated automatically from the Eventbrite system and did not list school affiliation; there was no sign-in sheet for attendees to indicate their school affiliation; and the feedback questionnaires did not ask attendees to indicate their school affiliation.

22. The University is correct that the FOIA does not oblige a public authority to create new information in order to respond to a request. If the authority holds the 'building blocks' necessary to generate information that has been requested (and no complex judgement is required to produce it), however, an authority can be said to hold the information.
23. In this case the Commissioner is satisfied that neither the University nor Eventbrite (who, if it held the information might be said to hold it on behalf of the University) holds the building blocks necessary to generate a list of schools for which conference name tags were prepared, or a list of schools that attended the conference. A small number of those who booked a place with Eventbrite may have used an email address affiliated with a particular school but the Commissioner agrees with the University that this does not constitute a 'list of schools' for which conference name tags were prepared. And for the reasons given in paragraph 21, the University does not hold the 'building blocks' to pull together from elsewhere a list relating to conference name tags or a list of schools that attended.
24. The Commissioner has noted that, in response to a separate request from the complainant, the University previously released the names of five schools that attended the conference in question with which it had entered into a correspondence. She is satisfied, on the balance of probabilities, that the University does not hold the specific information requested in either element of the complainant's current request and has complied with section 1(1) in that regard. She is further satisfied that using IT specialists to interrogate particular systems would serve no purpose as the information requested was never collected.

Right of appeal

25. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

26. 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.
27. 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

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