

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 17 August 2020

Public Authority: Ulster University (The University of Ulster)
Address: Cromore Road
Coleraine
BT52 1SA

Decision (including any steps ordered)

1. The complainant has requested details of University spending in relation to The Open Championship 2019 held at Royal Portrush Golf Club. Despite the Commissioner's intervention the University has failed to respond to the request. Accordingly the Commissioner's decision is that the University has failed to comply with section 10(1) of the FOIA.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request: Firstly, confirm or deny that the requested information is held (or, if the public authority decides to refuse to confirm or deny that any of the requested information is held, then a refusal notice should be issued that complies with the requirements of section 17 of the FOIA).
 - Secondly, and subject to the above, if the information is held the public authority must either disclose the requested information or, if it wishes to withhold any information, issue a refusal notice in relation to the information it wishes to withhold and disclose the remainder.
3. The public authority must take these steps within 35 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 FOIA and may be dealt with as a contempt of court.

Request and response

4. On 22 July 2019 the complainant requested the following information from the University:

"Please provide details of each purchase made by the University, or University staff by expense claims, connected with The Open Championship 2019 held at Royal Portrush Golf Club.

Please provide an invoice copy for each purchase."

5. The University acknowledged receipt of the request on 24 July 2019.

Scope of the case

6. The complainant contacted the Commissioner on 4 March 2020 to complain that he had not received a response to his request, despite having sent a number of reminders to the University.
7. The Commissioner wrote to the University on 22 April 2020 to request that it respond to the complainant's request. The University acknowledged this correspondence on 7 May 2020 and said that it would draft a response by the next week.
8. However the complainant did not receive any further response from the University.
9. The Commissioner wrote to the University again on 31 July 2020, advising that she was considering issuing a decision notice requiring the University to respond to the request. The Commissioner invited the University to make representations by Friday 7 August 2020 as to why she should not issue a decision notice.
10. The Commissioner did not receive any response to this correspondence.

Reasons for decision

Section 1: general right of access

Section 10(1): time for compliance

11. Section 1(1)(a) of the FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested

information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.

12. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
13. Despite the Commissioner's intervention, the University has failed to respond to the complainant's request. It has failed to confirm or deny that it holds the requested information, and has neither disclosed the requested information nor provided a valid refusal notice.
14. The Commissioner understands that, in the Covid-19 pandemic climate, many public authorities have faced severe front line pressures and have re-deployed resources to meet those demands. The Commissioner has made it clear that she will allow flexibility where this is required by public authorities in order to respond to the pandemic.
15. The Commissioner is mindful that the complainant's request was issued over twelve months ago, long before the pandemic arose. She is disappointed that the University has provided no reason for its failure to respond to the complainant's request.
16. The Commissioner therefore finds the University in breach of section 1 and section 10(1) of the FOIA.

Right of appeal

17. 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 123 4504
Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Tribunal website.
19. 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

Sarah O'Cathain
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF