

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 December 2020

Public Authority: St Mary's University
Address: Waldegrave Road
Strawberry Hill
Twickenham
TW1 4SX

Decision (including any steps ordered)

1. The complainant requested information from St Mary's University ("the University") relating to accommodation licence agreements. By the date of this notice the University had not provided a substantive response to this request.
2. The Commissioner's decision is that the University has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The University 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 15 September 2020, the complainant wrote to the University and requested information in the following terms:

"Can I please make a freedom of information request?

For all policy or meeting notes pertaining to the decision of St Mary's University to release students from their accommodation licence agreement on the 8th April 2020."

6. Whilst the University did not acknowledge this request, the complainant has provided evidence which shows that the request was sent to the University's published email address. Therefore, the Commissioner has assumed that this request was received by the University.

Scope of the case

7. The complainant contacted the Commissioner on 2 November 2020 to complain about the University's failure to respond to his request.
8. The Commissioner contacted the University on 20 November 2020 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 20 November 2020 to explain that the University had been given 10 working days from that date within which to provide a response to their request.
10. The University did not acknowledge or respond to the Commissioner's correspondence of 20 November 2020.
11. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

12. Section 10 of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) To be informed in writing by the public authority whether it holds information of the description specified in the request, and*

- (b) *If that is the case, to have that information communicated to him.*
13. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.
 14. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
 15. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

16. 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@justice.gov.uk

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

17. 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.
18. 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF