

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 September 2021

Public Authority: The Board of Trustees
Address: University of Sheffield
Western Bank
Sheffield
S10 2TN

Decision (including any steps ordered)

1. The complainant has requested information relating to the re-opening of the campus during the covid-19 pandemic.
2. The Commissioner's decision is that the University of Sheffield ('the university') failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of the FOIA.
3. The Commissioner is satisfied that the university has now provided a response to the request. Therefore the Commissioner does not require the university to take any further steps in relation to this request for information.

Request and response

4. On 25 July 2020, the complainant wrote to the university and requested information in the following terms:

"- All risk assessments of the return to in-classroom small group teaching in relation to COVID-19 and any mitigation measures indicated by or decided as a result of these assessments, both for the university as a whole and for SchARR specifically

- Information of any guidance, insight, or other input from Public Health professionals in regard to re-opening campus and particularly in-person registration and the return to in classroom small group teaching and

how that input has been utilised, both for the university as a whole and for SchARR specifically

- Minutes related to the decision to return to in-classroom teaching since the outbreak of COVID-19, the risk that decision poses, and how that risk is intended to be managed from e.g.

- Business continuity and/or incident control and management groups

- Learning and Teaching Committee

- Health and Safety Committee

- UEB

- any other relevant universities groups, committees, team, or bodies

- Any legal advice the university has sought or received in relation to liability and indemnity in relation to death, disability, or other damage resulting from COVID-19 cases following the reopening of campus."

5. The university responded on 14 September 2020 and disclosed information in response to this request, specifically a risk assessment form, coronavirus guidance for managers, a return to campus checklist and an equality impact assessment.
6. On 15 September 2020 the complainant requested an internal review as they were concerned that the scope of the original request was much wider than that covered by the disclosed information.
7. On 28 September 2020 the university provided its internal review outcome which stated that any outstanding information was exempt under section 22 (information intended for future publication).

Scope of the case

8. The complainant contacted the Commissioner on 6 October 2020 to complain about the way that their request for information had been handled. The complainant was particularly concerned with the delays they had experienced and the fact that the university had given no indication as to when the withheld information would be published.
9. During the course of the Commissioner's investigation the university changed its position. On 26 August 2021 the university disclosed to the complainant all outstanding information that fell within the scope of the request.
10. Following this disclosure, the complainant requested that the Commissioner issue a decision notice in relation to this case.

11. The scope of this decision notice therefore focuses on whether the university has complied with section 10 of FOIA.

Reasons for decision

12. Section 1(1) (general right of access to information held by public authorities) 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. Section 10 time (for compliance with the request) of the FOIA states that:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

14. Although the university has now provided the complainant with the information it holds falling within the scope of his request it did not do so within 20 working days. The university has therefore breached section 10(1) of FOIA.

Other matters

15. The Commissioner faced significant difficulty in investigating this matter due to delays from the university.
16. The Commissioner originally asked the university several questions relating to its application of section 22 and for a copy of the withheld information. The Commissioner notes that this information was not provided despite several chasers and an information notice.

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: 0203 936 8963

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 Information 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

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