

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 March 2022

Public Authority: Council of Newcastle University

Address: Kings Road
Newcastle Upon Tyne
NE1 7RU

Decision (including any steps ordered)

1. The complainant submitted a request to the Council of Newcastle University ("the University") for information about the recording of data on the "Ivanti" system. The University had failed to respond to the request at the date of this notice.
2. The Commissioner's decision is that the University failed to respond to the request within 20 working days and has therefore breached section 10 of FOIA.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under FOIA, to the request.
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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 23 November 2021, the complainant wrote to the University and requested information in the following terms:

"I am emailing to enquire about the data retention policy for NUIT support tickets stored in the Ivanti Self-Service Ticket system, with regards to Principle (e) of GDPR, "Storage limitation". These tickets often contain personal data, such as individuals' names. I would like the full text of this policy, if it exists, but am specifically interested in the following questions:

- What is the retention period? I.e., how long is support ticket data retained for?
- What is the justification under GDPR for the chosen retention period?
- How long is data retained after a staff member leaves the university?
- When will it be erased?"

6. The University acknowledged receipt of the request under FOIA on 23 November 2021.
7. The Complainant sent further emails to the University requesting a response on 18 January 2022 and 25 January 2022 but received no response.

Scope of the case

8. The complainant contacted the Commissioner on 26 January 2022 to complain about the failure, by the University, to respond to the request.
9. In line with his usual practice, the Commissioner contacted the University on 3 February 2022 to highlight the outstanding response. He requested that the University respond to the request within 10 working days.
10. The complainant contacted the Commissioner on 23 February 2022 to advise no response had been received and to express concern for the lack of compliance with FOIA.
11. Therefore, the scope of this notice and the following analysis is to consider whether the University has complied with section 10 of FOIA.

Reasons for decision

12. Section 1(1) of 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. Section 8(1) of FOIA states:

In this Act any reference to a “request for information” is a reference to such a request which –

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

14. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under FOIA.

15. Furthermore, the Commissioner is satisfied that, based on the available evidence, the request was received by the University.

16. Section 10 of 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.”

17. From the evidence presented to the Commissioner in this case in failing to issue a response to the request within 20 working days, the University has breached section 10 of FOIA.

Right of appeal

18. 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

19. 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.
20. 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

Phillip Angell
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Wycliffe House
Water Lane
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Cheshire
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