

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 8 October 2015

**Public Authority:** University College London  
**Address:** Gower Street  
London  
WC1E 6BT

#### Decision (including any steps ordered)

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1. The complainant has requested information from the University College London ("UCL") relating to UCL Australia.
2. The Commissioner's decision is that the UCL has correctly applied section 12(1) of the FOIA to the request.
3. The Commissioner requires the UCL to take no steps.

#### Request and response

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4. On 18 May 2015, the complainant wrote to the UCL and requested information in the following terms:

*"Request for copies of the following documents and e-mail communications:*

*All reports, reviews and decisions in relation to UCL Australia*

*All reports, reviews and decisions in relation to UCL Australia PhD programme*

*All reports, reviews and decisions in relation to UCL Australia PhD students*

*All reports, reviews and decisions in relation to UCL Australia PhD supervisors*

*All reports, reviews and decisions in relation to UCL Australia academic and financial risk*

*All reports, reviews and decisions in relation to UCL Australia management*

*All reports, reviews and decisions in relation to UCL Australia policies and regulations*

*All reports, reviews and decisions in relation to UCL Australia complaints and bullying*

*All reports, reviews and decisions in relation to UCL Australia internal quality reviews*

*All reports, reviews and decisions in relation to UCL Australia academic and financial risk*

*All reports, reviews and decisions in relation to UCL Australia academic staff*

*All reports, reviews and decisions in relation to the decision to close UCL Australia due to academic and financial risk*

*The review referred to in the following quote in The Australian newspaper on 11 February 2015: "UCL president Michael Arthur said following a review of the long-term sustainability of the institution in Australia"*

*The assessment and reports on academic and financial risk referred to in the following quote in The Australian newspaper on 11 February 2015: "This is based on issues of academic and financial risk and sustainability, as well as emerging changes in UCL's international strategic direction," Professor Arthur said.*

*All reports, reviews and decisions in relation to UCL Australia Internal Quality Review 16-17 November 2011".*

5. The UCL responded later the same day and applied section 12 of the FOIA to the request.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 18 May 2015 to complain about the way his request for information had been handled.

7. The Commissioner has had to consider whether the UCL was correct to apply section 12(1) of the FOIA to the request.

## **Reasons for decision**

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8. Section 12(1) allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations.)
9. This limit is set in the fees regulations at £600 for central government departments and £450 for all other public authorities. The fees regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 18 hours in this case.
10. In estimating whether complying with a request would exceed the appropriate limit, Regulation 4(3) states that an authority can only take into account the costs it reasonably expects to incur in:
  - a. determining whether it holds the information;
  - b. locating a document containing the information;
  - c. retrieving a document containing the information; and
  - d. extracting the information from a document containing it.
11. The four activities are sequential, covering the retrieval process of the information by the public authority.
12. The UCL provided some background to the request. It explained that the UCL is a very large institution with almost 12,000 staff and over 35,000 students. The UCL also has international presence in Australia and Qatar with staff based in these countries. Consequently, a significant amount of information is held by staff across the UCL and there is no overarching electronic document management system in place which would enable a centralised search for the requested information. The UCL advised the Commissioner that this would mean that it has to be reliant on staff to undertake searches of email inboxes, shared drives and any manually held data that they may have in their possession when it receives an FOI request.
13. In this case, the UCL explained that the information sought relates to information covering a very broad range of topics associated with UCL

Australia from the initial decision making process which led to its establishment in 2008 through to the decision to close it in its current form in 2017 which was made earlier this year.

14. The UCL confirmed that it is certain that it would hold information relevant to the request. However it explained that in order to establish which limb of the request the information held may relate to, this would require it to locate and manually search all of the information held that in any way relates to UCL Australia.
15. The UCL provided the Commissioner with an estimate of the time it would take to locate, retrieve and extract the requested information. It stressed that due to the diverse nature of the information requested and the formats in which it may be held, it was difficult to provide specific information on how long it would take to locate, retrieve and extract the requested information. In light of this, it explained that the actual time of compliance could be higher or lower but in any event, it considered that the time and cost involved would exceed the appropriate limit.
16. When providing an estimate of the time and cost involved in complying with the request, the UCL explained that currently there are 21 staff based in the Australian campus alone that who would need to conduct a search of email inboxes, shared drives, and any other information that falls into the category or a 'document' or 'email communication'. The UCL argued that at a minimum it would take an hour for each member of staff in the Australia campus alone to carry out these searches. At a minimum, this would take 21 hours and therefore exceed the appropriate limit.
17. Similarly, staff elsewhere in the UCL within the Faculty of Engineering Sciences and the Office of International Affairs would be required to conduct a keyword search based on the broad term of 'UCL Australia' and then they would have to manually check the search results against the limbs of the request. At a conservative estimate, the UCL believed that this process would take each member of staff involved over an hour and therefore further exceed the appropriate limit.
18. The Commissioner notes that in its initial handling of the request, the UCL did provide the complainant with advice and assistance in accordance with section 16 of the FOIA. The UCL suggested that the complainant could narrow his request to a specific area or aspect of the decision relating to UCL Australia. The Commissioner is aware that the complainant took up this advice and the UCL has issued a separate response in relation to his revised request.

## **The Commissioner's decision**

19. Due to the very broad nature of information that has been requested and the fact that the UCL does not have a centralised system in which it could perform a search, the Commissioner considers that the estimate provided is reasonable and he is therefore satisfied that complying with the request would exceed the appropriate limit. Therefore the Commissioner has determined that the UCL was correct to apply section 12(1) of the FOIA to the request.

## Right of appeal

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20. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

21. 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.
22. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**