

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 December 2015

**Public Authority:** University of the Arts London  
**Address:** 272 High Holborn  
London  
WC1V 7EY

#### Decision (including any steps ordered)

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1. The complainant has requested information from the University of the Arts London ("the University") broadly relating to the University's MATAR research centre.
2. The Commissioner's decision is that the University has correctly applied section 12 of the FOIA to part of the request. He has also determined that the University does not hold any further information falling within the scope of the remainder of the request.
3. The Commissioner requires the University to take no steps.

#### Request and response

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4. On 10 April 2015, the complainant wrote to the University and requested information in the following terms:

*The complete financial records and associated documentation for the MATAR research centre of the University of the Arts London. This information should include financial accounts and relevant e-mails (including e-mails that have been deleted but are recoverable). This information should date from 2005 onwards (the year of the inception of MATAR).*

*The information should include any relevant documentation which exists concerning MATAR related finances dating from after 2010 (this being the final year which MATAR existed). This information should include a complete paper trail for the grant specified below detailing how and*

*when the funds granted were spent. The grant in question was as follows. In 2007 the Arts and Humanities Research Council (AHRC) awarded a grant to the University of the Arts London which was assigned the following reference codes: a) grant reference AH/E009034/1, b) organisation reference Mann1. The Principal Investigator was [redacted name] and the Co-investigators were [redacted names]. This information should include details of AHRC funding transferred to the LCC budget code 70.P1.91210 in July 2010 and its subsequent use. It should also include any information concerning the sum of £8392 transferred into this budget account against the name of [redacted name] in July 2010 and its subsequent use.*

*This information should include the complete e-mail sent from [redacted name] to [redacted name] on the 13<sup>th</sup> November 2012 at 14:59 and headed 'FW: IN CONFIDENCE'.*

5. The University responded on 13 May 2015. It provided the complainant with some of the information that fell within the scope of his request. The University advised the complainant that the accounting ledger had been redacted as it contained third party personal data and it was therefore exempt under section 40 of the FOIA. It further advised the complainant that it was in the process of reviewing additional information it had located and it would contact him in the next few days following the review.
6. Upon receipt of this, the complainant was dissatisfied and contacted the University on 26 May 2015. In his internal review request he detailed the information that he considered to be missing. He also made a number of follow up requests. The complainant's internal review is detailed below:

*Some information which I have requested has not been provided. This includes the following:*

*The complete financial records and associated documentation of the MATAR research centre of the University of the Arts London. To date I have only been provided with material relating to one project carried out by MATAR (AHRC funded project code D10071). I have not been provided with any other financial information concerning MATAR. For example I have received no information concerning another AHRC funded project that MATAR successfully bid for and that I was involved in. This project was 'Investigating the Longevity of Digital Prints'. Could you send me this information including the accounting ledger for this project. During the lifetime of MATAR external funding was received from other organisations including Dow Corning Ltd and I wish to be sent copies of all this additional information.*

*I also require complete details of the financial arrangements made between CCW and LCC from 2005 onwards to resource my post at MATAR. I also require complete details of the financial arrangements made to resource my work on the two research projects financed by the AHRC (Project D10071 and the project referred to above entitled 'Investigating the Longevity of Digital Prints')*

*I had also requested any information concerning the sum of £8392 transferred into budget code 70.P1.91210 against the name of [redacted name] in July 2010 and its subsequent use. I have previously been informed by a member of UAL staff ([redacted name]) that this occurred.*

*I note that the copy of the accounting ledger (item 2 in your letter of the 13<sup>th</sup>) has some redacted sections. I am justified in asking you to send me an unredacted copy.*

*In the accounting ledger for project D10071 two entries refer to invoices for photocopying. These are: a) PHOTOCOPYING CHARGES INV NO PC 08082 transaction dated 7/1/2009 and b) PHOTOCOPYING CHARGES INV NO PC 08130 transaction date 7/1/2009. Please could you send me copies of both these invoices and any related documentation. I also wish to be informed what the number PC 0802 and PC 08130 refer to.*

*I also wish to be provided with any supporting documentation relating to D10071 Ledger entries described as 'Special Project Deferred Incomes' and their matching reversals entitled 'Reverse Special Project Deferred Incomes'.*

*I would also like to be provided with supporting documentation relating to all transactions dated 07/017/2010 under reference 1, 1610 and an explanation as to what the account code D1.76.10999 refers to.*

*I am still awaiting the further e-mails you mentioned in your letter of the 13<sup>th</sup> of May.*

7. The University sent the outcome of its internal review on 10 July 2015. In its response, it sent the complainant some further information or otherwise explained that it was not held. It further advised the complainant that it was reviewing some additional information and it would contact him in the next few days regarding this.
8. The Commissioner is aware that the University provided the complainant with further information on 11 and 24 August 2015.

## Scope of the case

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9. The complainant contacted the Commissioner on 23 June 2015 to complain about the way his request for information had been handled.
10. The Commissioner confirmed with the complainant the scope of his complaint. It was agreed that his complaint concerned the following three points:

### *Complaint one*

The complainant believed that further information was held within the scope of the following request:

*The complete financial records and associated documentation for the MATAR research centre of the University of the Arts London. This information should include financial accounts and relevant e-mails (including e-mails that have been deleted but are recoverable). This information should date from 2005 onwards (the year of the inception of MATAR).*

### *Complaint two*

The complainant considered that the University had not provided him with information regarding the following request:

*It should also include any information concerning the sum of £8392 transferred into this budget account against the name of [redacted name] in July 2010 and its subsequent use.*

### *Complaint three*

The complainant believed that the University held further information within the scope of the following request:

*In the accounting ledger for project D10071 two entries refer to invoices for photocopying. These are: a) PHOTOCOPYING CHARGES INV NO PC 08082 transaction dated 7/1/2009 and b) PHOTOCOPYING CHARGES INV NO PC 08130 transaction date 7/1/2009. Please could you send me copies of both these invoices and any related documentation. I also wish to be informed what the number PC 0802 and PC 08130 refer to.*

11. The Commissioner has had to consider whether the University holds any further information falling within the scope of the three complaints detailed above.

## **Background**

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12. MATAR was a research unit of the University between 2005 and 2010, hosted by the London College of Communication (a constituent college of the University), during which time it facilitated a number of research projects across the University's six constituent colleges on arts-related subjects using both internal University funds and external funding provided by organisations such as the Arts and Humanities Research Council (AHRC). MATAR closed in 2010 when the University restructured its research support, which included closing all college research offices and establishing a central Research Management and Administration department.

## **Reasons for decision**

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### *Complaint one*

13. The University explained that it was maintaining its position as set out in its letter of 11 August 2015 in which it advised the complainant that section 12 applied to this request.
14. 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.)
15. 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.
16. 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.

17. The four activities are sequential, covering the retrieval process of the information by the public authority.
18. The University explained that following the closure of MATAR in 2010, the majority of the records of MATAR were archived off-site. In accordance with the University's records management policies, some of the older records relating to MATAR will have been destroyed.
19. The University's Research Management and Administration team has checked its archiving records and has established that in order to locate the financial records that have been requested, it would be necessary to retrieve around 12 boxes of records from the University's off-site archive. The University explained that the archiving system which was in place when the MATAR records were archived is such that it would not be possible to identify precisely which boxes needed to be retrieve. It would therefore be necessary to retrieve all boxes which might potentially hold financial information relating to MATAR and to examine all the records in each box.
20. The University confirmed that there is no longer anyone working in the Research Management and Administration team who previously supported MATAR in the London College of Communication research office and therefore the content of the archive files is unknown at this stage. Therefore, the University is required to search each file individually.
21. The University explained that it introduced a new finance system in 2013, which means that the project numbering, format and budget codes which were previously used in the financial records are no longer used and are significantly different to the current systems which are in place. The unfamiliarity of the previous system would make this a very time-consuming task for the current members of the team as they have a limited knowledge of the old finance system of the structure prior to the introduction of the current Research Management and Administration function.
22. The University advised the Commissioner that it expects each box to hold five or six lever arch files. Reviewing each box to determine whether the required information is held would be estimated to take two hours each and then locating the precise information and extracting it from documents and files would be expected to take at least another six hours. The University explained that the person carrying out the work would also need to consult colleagues to ensure that the information had been correctly captured, given the changes to the University's finance systems. Accordingly, the University considers that the process of determining whether it holds the information requested, locating and

retrieving the information and then extracting the information from any files and documents would take at least 30 hours of work.

23. The Commissioner considers that the University's arguments and the estimate of time it would take to comply with the request is reasonable and realistic. He is therefore satisfied that the University was correct to apply section 12 to this request.

*Complaint two*

24. 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".*

25. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
26. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
27. With regards to complaint two, the University explained that on 10 July 2015 it provided the complainant with a copy of the ledger relating to the journal entry 1610 which refers to the payment of £8392. It also explained that it provided a copy of the journal which provides more information on the payment. It further confirmed that it was maintaining its position that it held no further information falling within the scope of the request.
28. The University provided the Commissioner with an explanation as to how research projects are funded. It explained that research projects carried out by Universities are often funded by external research councils – in this case, it was AHRC. The funding provided by the external body for a research project included a contribution to the University's overheads, which is provided in recognition that the individuals carrying out the research are using the University's general facilities such as premises, heating and lighting, security and central services (such as Finance, HR, IT etc).



29. In this case, after the costs of the project had been deducted, the amount remaining by way of a contribution to the University's overhead which were being "used" by the project was £16,784. According to the University's usual procedures, this amount was divided 50:50 between the University's central services and the constituent college of the University which had hosted the project, which is in this case was London College of Communication (LCC). The 50% share of the overhead contribution to be allocated to LCC was therefore £8392. The University stated that the ledger entry which shows £8392 being transferred to budget code 70.P1.92120 is the allocation to LCC of its "share" of the overheads contribution in accordance with the University's policy for research funding.
30. The University addressed the complainant's concern that the £8392 had been paid to a named individual. The University explained that the named individual was the Principal Investigator on project D10071. As such, he was also set up on the University's financial systems as the budget manager for the project. The University explained that this simply indicates that the overhead contribution which was being transferred to LCC arose from project D10071 of which the name individual was the Lead Investigator. The University further explained that it was an agreed convention that the description for transfer of this nature included the project number and the name of the Principal Investigator to make it clearly identifiable to those managing the budgets at College level.
31. With reference to the complainant's request for information relating to its 'subsequent use' of this money, the University informed the Commissioner that it does not hold any specific information relating to this. It explained:
- "However, there would be no particular "subsequent use" – the ledger entry shows an internal accounting transaction which allocates to LCC a contribution in recognition of a notional overhead cost already incurred by LCC in hosting the members of staff participating in this project. It was not allocated to LCC to be spent for a particular purpose, but rather as partial reimbursement of a cost already incurred. The transaction is entirely in line with the University's standard procedures for research projects and reflects standard practice in the sector for the use of this element of the grant from the funder".*
32. The University stated that it believes that it has provided the complainant with all the recorded information it holds relating to complaint two and it hopes that the explanation provided in paragraphs 28-31 assists the complainant's understanding of the information that has been disclosed.



33. The Commissioner is satisfied on the balance of probabilities that the University has provided the complainant with all the recorded information it holds that falls within the scope of the request set out under complaint two.

*Complaint three*

34. As detailed in paragraphs in 24-26, the Commissioner must be satisfied on the balance of probabilities that the University has provided the complainant with all the recorded information it holds that falls within scope of the request detailed under complaint three.
35. The University referred to its letter of 24 August 2015 in which it provided the complainant with further information relevant to the request. In that letter, the University explained that the two charges were internal photocopying recharges and that the "invoice numbers" quoted are the Library's internal numbering and referencing system.
36. The University elaborated on this further to provide context to the information that had been provided. It explained that in the course of carrying out research project D10071, the members of staff at LCC who were engaged on that project would, during the course of their research work, carry out photocopying and printing for that project on multifunction photocopiers/printers located in the LCC library. The internal notional cost of that photocopying/printing is there recharged or reallocated to the budget of that project so that the budget for project D10071 is paying for that printing and copying rather than the budget for LCC's general research department.
37. The University provided clarification on the reference numbers INV NO PC 08082 and INV NO PC 08130. It explained that there was potential for this to cause confusion. The reference does not relate to actual invoices raised, instead they are an internal recharge or photocopying/printing costs incurred using the copiers in LCC's library to ensure that the costs are allocated to the correct budget.
38. In relation to the complainant's request for what PC 0802 and PC 08130 refer to, the University explained that it believes that they are reference numbers of the actual photocopies/printers used.
39. The University confirmed that the photocopying charges of £67.45 and £141.05 do not relate to single batches of photocopying carried out on the date in December 2008. Rather, they relate to an accumulation of the cost of photocopying/printing over the duration of Project D10071 which has then been recharged to the correct budget in two individual transactions following the end of the project.

40. In order to be certain that it held no further recorded information falling within the scope of complaint three, other than what has been disclosed to the complainant, the University carried out a number of searches. The University confirmed it had carried out searches in the electronic and paper records held by the University's central Research Management and Administration team, the records of the LLC research office (closed in 2010) and the Library Services team. The University confirmed that information relating to how many pages were printed or copied by a person on a certain date is no longer held by the University as the recharge was six years ago.
41. The University maintained its position that it held no further recorded information falling within the scope of the request. It further hoped that the complainant would be satisfied with the explanations that it has provided in relation to the information that has been disclosed.
42. The Commissioner is satisfied on the balance of probabilities that the University has provided the complainant with all the recorded information it holds that falls within the scope of the request set out under complaint three.

## Right of appeal

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43. 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)

44. 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.
45. 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**  
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**Information Commissioner's Office**  
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