

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 November 2016

**Public Authority:** University of Southampton  
**Address:** University Road  
Southampton  
S017 1BJ

### Decision (including any steps ordered)

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1. The complainant has requested information from the University of Southampton (University) relating to details regarding tenant's deposits.
2. The Commissioner's decision is that the University did not deal with the request for information in accordance with section 10 of the FOIA in the following way:
  - It failed to provide a response to the request within that statutory time frame of 20 working days.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation:
  - Issue a response 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

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5. On 7 July 2016 , the complainant wrote to the University and requested information in the following terms:

*"The University as a landlord has to protect tenant's deposits in a designated deposit protection scheme. The University Residential Services informed us that the University as a Landlord failed to protect deposits of some of the tenants over the years and some of deposits that were protected with TDS were not recovered and lost. You would be able to get all the details from [named individual]. All the requested information should be easily located as the University has to keep it to show legal compliance.*

- *How many tenant deposits were not protected by the University in any statutory deposit protection scheme?*
- *Has the University always protected the tenants Deposits in a statutory deposit protection scheme starting from the moment when the legislation regarding the deposits protection was introduced?*
- *How many deposits were protected late by the University in any statutory deposit protection scheme?*
- *[Named individual] stated that some of the deposited protected with DPS in the past could not be recovered at some point. What is the size of the deposits in monetary terms that were not recovered from DPS by the University?*
- *What is the reason why the University was not able to recover the deposit from DPS?*
- *[Named individual] stated that the University was not able to access DPS anymore in 2015. Why was the University not able to use and access DPS?"*

## **Scope of the case**

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6. The complainant contacted the Commissioner on 16 September 2016 to complain about the way his request for information had been handled.
7. The complainant specifically stated that the University had not responded to his request but had sent an acknowledgment.
8. The Commissioner has had to consider whether the University has handled the request in accordance with section 10 of the FOIA.

## **Reasons for decision**

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10. Section 10 of FOIA states that a public authority must respond to a request promptly and “no later than the twentieth working day following the date of receipt”.
11. From the information provided the Commissioner in this case, it is evident that the University did not respond to the request within the statutory time frame of 20 working days. The University has therefore breached section 10 of the FOIA.

## Right of appeal

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12. 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)

13. 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.
14. 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** .....

**Chris Hogan**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**