

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2017

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

Decision (including any steps ordered)

1. The complainant has requested from the University of Southampton (the University) copies of correspondence between two professors. The University has failed to respond to this request.
2. The Commissioner's decision is that the University has breached section 10 (1) time for compliance in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The University must provide the complainant with a response to this request in accordance with its obligations under the FOIA.
4. The public authority 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

5. On 7 November, the complainant wrote to the University of Southampton and requested information in the following terms:

"Dear University of Southampton,

Under the Freedom of Information Act, I wish to request the following please:

Copies of all correspondence, including emails, between Professor George Lewith and Professor Stephen Holgate.

I would prefer to receive this information in electronic format."

6. On 10 December 2016, the complainant wrote to the University again and requested an update on his request.
7. The University did not respond to either request.

Scope of the case

8. The complainant contacted the Commissioner on 1 March 2017 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether the University dealt with this request in accordance with its obligations under section 10 (1) FOIA.

Reasons for decision

10. Section 10 of FOIA states that a public authority must respond to a request promptly and in the event not later than the twentieth working day following the date of receipt.
11. From the information provided to the Commissioner it is evident that the University did not respond to the complainant within the statutory timeframe in respect of his request: the complainant submitted his request on 7 November 2016 and has still not received a response.

Conclusion

12. The Commissioner's decision is that the University did not deal with the request for information in accordance with the FOIA. In this case the University has breached section 10 (1) of the FOIA by failing to respond to Mr Richards.

Right of appeal

13. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF