

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 November 2017

Public Authority: University of Southampton
Address: Highfield
Southampton
SO17 1BJ

Decision (including any steps ordered)

1. The complainant has made two requests for information from and relating to the Mountbatten collection. The University has failed to respond to these requests.
2. The Commissioner considers that the University breached section 10(1) FOIA in the handling of these requests.
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 these requests in accordance with its obligations under 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

On 26 June 2017 the complainant made a request detailed in Annex A attached to this Notice (FS50698596).

5. On 27 June 2017 the complainant made the following request for information (FS50711698):

"Please supply a full itemisation/inventory of each file in each series (such as the S series) not publicly available in the Mountbatten collection and the reasons why it has been withheld."

6. The University has failed to respond to these requests.

Scope of the case

7. The complainant contacted the Commissioner on 31 August 2017 to complain about the way his requests for information had been handled.
8. The Commissioner has considered whether the University has dealt with these requests in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

10. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

11. Section 1(1) provides 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."*

12. The requests were made on 26 and 27 June 2017 and responses have not yet been provided. The Commissioner therefore finds that the University breached section 10(1) in failing to respond within 20 working days.

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

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

The request of 26 June 2017 has been copied into Annex A due to its length. The request was as follows:

I am making an FOIA request for ALL documents relating to the acquisition of ownership of the Mountbatten Archives not least an un-redacted copy of the ministerial direction.

[Redacted]

[Redacted] has written 'The correspondence between Lady Mountbatten and Jawaharlal Nehru remains in private ownership and is confidential but the University has a future interest in it'. Would you disclose the nature of this 'future interest', when it comes into play, where physically the correspondence is held and on what grounds the correspondence is 'confidential'.

[Redacted]

[Redacted]

[Redacted]