

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 10 July 2018

**Public Authority:** Queen Mary University of London (QMUL)

**Address:** Mile End Road  
London  
E1 4NS

#### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to the cost calculations used by QMUL in relation to its application of section 12 FOIA to a previous request she had made. QMUL provided the complainant with some information following the Commissioner's investigation but confirmed that no further information was held under section 1(1)(a) FOIA.
2. The Commissioner considers that no further information is held by QMUL other than that which has been provided to the complainant under section 1(1)(a) FOIA.
3. The Commissioner requires no steps to be taken.

#### **Request and response**

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4. On 6 September 2017 the complainant made the following request for information under the FOIA for:

"I refer to my request for a copy of the objective raw data from the PACE trial as submitted on the website "What do they know? " that QMUL gave the reference number FOI2017/F158. On 5 June 2017, QMUL advised that it had located the data requested.

I request a copy of the calculations made/information used to determine that it would take QMUL more than 18 hours (more than 450 pounds) to provide a copy of the data on or after each time the original request was narrowed as detailed below."

5. On 15 September 2017 QMUL responded. QMUL said that the information requested was not held.
6. The complainant requested an internal review on 18 September 2017. An internal review was not carried out in relation to this request.

### **Scope of the case**

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7. The complainant contacted the Commissioner to complain about the way her request for information had been handled.
8. The Commissioner has considered whether QMUL was correct to confirm that the information was not held in this case.

### **Reasons for decision**

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9. Section 1(1)(a) of FOIA states that, "Any person making a request for information to a public authority is entitled – to be informed in writing by the public authority whether it holds information of the description specified in the request". Section 1(1)(b) of FOIA states that, "If that is the case, to have that information communicated to him".
10. The previous request to which this request relates concerned the PACE trial, requests about which QMUL has been receiving since March 2011. It said that the majority of Decision Notices issued by the Commissioner to QMUL have concerned PACE. It said that this one trial has created a disproportionate amount of work for QMUL.
11. QMUL explained that at the time of the request it did not carry out searches for the requested information. It said that as it had advised the Commissioner in relation to a couple of other appeals regarding PACE trial freedom of information requests, when requests have been received after December 2016 when a particular member of staff retired, QMUL has consulted two Co-Principal Investigators based at the University of Oxford and King's College London. However, the decision to respond to this request that the information is not held was based on recollections rather than recorded information. QMUL did not believe that a search would be likely to retrieve any relevant information.
12. As searches were not carried out at the time of the request, the Commissioner asked QMUL to conduct searches as part of her investigation.

13. QMUL carried out searches for the information requested. It found an email within a chain from request FOI 2017/F158 which refers to 18 hours, but not any calculations relating to how this was determined. It said that a colleague of the Co-Principal Investigator at King's College London provided this estimate. However, besides this, is the problem QMUL has detailed to the Commissioner previously, concerning the ability for it to locate, retrieve and extract data from the raw databases. QMUL no longer has the skill or expertise to do this. QMUL took this estimation at face value as it was provided by someone with previous knowledge of PACE and experienced with such data and analysis.
14. QMUL subsequently confirmed the email located would have been relevant and relied upon in relation to the request referred to. It was therefore provided to the complainant in response to this request.
15. QMUL confirmed that if any further information were held it would be electronic. Most of the correspondence with external colleagues is via email, though sometimes via telephone.
16. QMUL's Records Retention Schedule states that freedom of information request correspondence should be retained for 3 years from the year of creation.
17. QMUL confirmed that the estimate was never written down. The email that was located was retained and filed with correspondence from the handling of the complainant's previous requests.
18. In this case QMUL has now conducted a search for the requested information and has located an email and provided this to the complainant. If any calculations had been recorded it is highly likely it would have been located following the searches conducted given that one email was found referring to the 18 hour cost limit. This is because QMUL has confirmed that such correspondence would have been recorded electronically in an email or communicated over the telephone. It has specifically confirmed that in relation to the previous request referred to in this request, the estimate was not written down. It was based on recollections rather than recorded information.
19. Based upon QMUL's submissions the Commissioner is satisfied that on the balance of probabilities, that no further information is held under section 1(1)(a) FOIA.

## 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**.....

**Gemma Garvey**

**Senior Case Officer**

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**