

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 March 2018

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

Decision (including any steps ordered)

1. The complainant has requested information about students who have accessed counselling services. The University of Southampton ('the University') has acknowledged the request but at the date of this notice has not provided a response.
2. The Commissioner's decision is that the University has breached section 10(1) of the FOIA because it has not complied with section 1(1) within 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 8 November 2017.
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 8 November 2017 the complainant wrote to the University and requested information in the following terms:

"Under the Freedom of Information Act, please could you provide me with the number of students who have accessed counselling services provided by the university for each of the past three academic years (2014/15, 2015/16 and 2016/17).

If possible, please provide a breakdown by the type of issue the students are seeking help for."

6. The University acknowledged the request on 17 November 2017.
7. The Commissioner wrote to the University on 12 February 2018 and requested that it provide a response to the complainant's request within 10 working days. On 23 February 2018 the complainant advised the Commissioner that she had still not received a response.

Scope of the case

8. The complainant first contacted the Commissioner on 2 February 2018 to complain that she had not received a response to her request.
9. The Commissioner has considered whether the University has complied with its duty under section 10(1) of the FOIA.

Reasons for decision

10. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled a) to be told whether the authority holds the information and b) to have the information communicated to him or her if it is held.
11. Section 10(1) of the FOIA says that a public authority must comply with section 1(1) as soon as possible and within 20 working days following the date of receipt.
12. In this case, the complainant submitted her request on 8 November 2017. More than three months later, the University has still not provided a response to the request. This is a clear breach of section 10(1).

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

Pamela Clements
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SK9 5AF