

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

### **Decision notice**

**Date:** 6 March 2019

**Public Authority:** The University Council  
**Address:** Coventry University  
Priory Street  
Coventry  
CV1 5FB

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

---

1. The complainant has requested Coventry University (the university) to disclose expense information for members of the leadership team between 2012 and 2017. The university refused to comply with the request citing section 12 of the FOIA.
2. The Commissioner's decision is that the university is entitled to rely on section 12 of the FOIA. However, the Commissioner has found the university in breach of section 10 and 16 of the FOIA.
3. The Commissioner requires the university to take the following steps to ensure compliance with the legislation.
  - The university should provide the complainant with appropriate advice and assistance so far as it is reasonable to do so in accordance with its obligations under section 16 of 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 2 May 2018, the complainant wrote to the university and requested information in the following terms:
  - “1) A list of all university leadership team members, their spouses, or partners or any accompanying parties funded or part-funded by the university, who travelled abroad between 2012 and 2017 on official university business, broken down by year.
  - 2) A table of costs associated with their travel to include flights, hotel, transport, entertainment, gifts, dining, subsistence, and all other related expenditure.
  - 3) Copies of the actual invoices/receipts relating to all of the above.”
6. The university responded on 2 July 2018. It refused to comply with the request citing section 12 of the FOIA.
7. The complainant requested an internal review on 1 August 2018.
8. The complainant referred the matter to the Commissioner on 14 August 2018.
9. The Commissioner wrote to the university on 8 September 2018 and requested that it complete the internal review by 24 September 2018.
10. The university carried out an internal review and notified the complainant of its findings on 14 September 2018. It upheld its application of section 12 of the FOIA.

## Scope of the case

---

11. The complainant first contacted the Commissioner on 14 August 2018 to complain about the way his request for information had been handled. At this time the university had not completed the internal review process. An internal review was issued on 14 September 2018 and the complainant contacted the Commissioner again on 12 October 2018 to confirm that he still remained dissatisfied. Specifically, he stated that he was now aware the university operated a central system for logging expenses and therefore he felt it would be possible for the university to provide the requested information within the cost limit.
12. The Commissioner’s investigation has focussed on the application of section 12 of the FOIA and whether the university is entitled to rely on this exemption.

## Reasons for decision

---

13. Section 12 of the FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to comply with it.
14. The estimate must be reasonable in the circumstances of the case. The appropriate limit is currently £600 for central government departments and £450 for all other public authorities. Public authorities can charge a maximum of £25 per hour to undertake work to comply with a request; 18 hours work in accordance with the appropriate limit of £450 set out above, which is the limit applicable for the university. A public authority can take into account the time and cost involved in carrying out the following activities under section 12 of the FOIA:
  - (a) determine whether it holds the information;
  - (b) locate the information, or a document which may contain the information;
  - (c) retrieve the information, or a document which may contain the information; and
  - (d) extract the information from a document containing it.
15. Where a public authority claims that section 12 of the FOIA is engaged it should, *where reasonable*, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16 of the FOIA.
16. The university confirmed that in order to comply with the request it would first need to identify the relevant members of staff over the time period specified in the request and obtain their staff ID. It stated that this would take half an hour to do.
17. It stated that there is expense claim information, purchasing card data and travel data. When a member of staff is making a claim they are required to provide all the original receipts to back up their expenditure. For the period July 2015 to July 2017 expense claim information and purchasing card data can be obtained from the Group Finance System. For travel data, the information would have to be obtained from the contracted travel company. For the period 2011 to July 2014 expense claim information, purchasing card data and travel information would have to be obtained from the system the university named the Q1-x system. For both systems the university would need to search using the relevant staff ID.

18. The Commissioner asked the university to carry out a sampling exercise in order to provide a reasonable and supported estimate of the time it would take to comply with the request.
19. The university complied and sampled a selection of data from 2015/16 and 2016/17. It identified the number of transactions and expense items for purchasing card and expense claim data. It confirmed that there was 290 line items of expense claim data and 2580 purchasing card line items for the two years. It explained that it chose 17 transactions from this data and began the task of producing the requested information for these. It stated that on average it took 3 minutes per transaction to produce the requested information. Based on the sample the university estimated that it would take 14.5 hours to produce the information for expense claim data and 129 hours to produce the information for purchasing card data.
20. The university advised that this estimate only covers a period of two years and the complainant has asked for the information over a five year period. It advised that it has not considered how long it would take to extract the additional travel information that would be required in order to comply. It considers it is not necessary to do this because it has already comfortably demonstrated that it would exceed the appropriate limit of 18 hours by a significant margin to just provide expense claim data and purchasing card data and their respective invoices and receipts for a period of two years.
21. The Commissioner asked the university to provide her with a copy of the sample and to make the necessary enquiries internally to establish whether there are any alternative means of retrieving and extracting the requested information, which may be less time-consuming and come within the 18 hour threshold.
22. The university responded. It stated that it double checked how the information is held and what would be required if it were to comply with this request. It confirmed that there are no other means or ways of retrieving and extracting the requested information. The requested information is held in the manner described and it would exceed the 18 hour threshold considerably if it were to comply with the request.
23. The Commissioner reviewed the sample provided and asked the university to talk her through exactly how the requested information would have to be retrieved and extracted. The university confirmed that once it had identified the staff involved and the individual transactions it would then have to search the relevant system using each transaction reference to retrieve the invoice and receipts. A search using the transaction reference would take you to the document library, from there you can then download the necessary document. It confirmed that

some transactions have one item line but others have 2, 3 or 4 item lines. For those that have more than one line the university has to then quickly check that the document retrieved includes the necessary information for all item lines. It then has to save this document and return to the search screen to begin the process for the next transaction.

24. Looking at the sample, it took the university between 2 and 5 minutes to retrieve the requested information for each of the transactions it had selected. Below is a list of some of them.

<b>Transaction reference</b>	<b>Time taken</b>
10015437	2 minutes 25 seconds
10001625	5 minutes 13 seconds
10003699	4 minutes 23 seconds
10016479	4 minutes 10 seconds
10004797	2 minutes 42 seconds
10004803	3 minutes 42 seconds
10004798	4 minutes 50 seconds
10013799	2 minutes 55 seconds
10004804	3 minutes 4 seconds

25. Even taking a more conservative estimate of 2 minutes per transaction, considering the number of transactions over the timeframe specified in the request, it is clear that compliance would exceed the cost limit prescribed by the FOIA by a significant margin. The Commissioner is therefore satisfied that section 12 of the FOIA applies in this case.

### **Section 16 – advice and assistance**

26. Section 16 of the FOIA states that it is the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.
27. The Commissioner considers the application of section 12 of the FOIA in a given case triggers the duty to provide advice and assistance. A public authority is required to explain to the applicant at the refusal notice stage what information if any could be provided within the cost limit and provide advice and assistance on how the request could be refined so far

as it is reasonable to expect the authority to do so. In cases where the public authority believes nothing can be provided within the cost limit and no constructive advice or assistance could be provided to enable the applicant to refine their request, the authority is still expected to confirm this is the case in accordance with the requirements of section 16.

28. In this case the Commissioner notes that the university did not consider the requirements of section 16 of the FOIA. No reference is made to it in either the refusal notice or internal review response that was issued.
29. The Commissioner considers in this case that it may be possible for the university to provide some of the requested information within the cost limit. For example the timeframe could be reduced or the complainant could submit a refined request that does not require copies of all receipts and invoices. It has a duty to provide advice and assistance so far as it would be reasonable to do so to enable the complainant to reconsider the request he has made and submit a refined one should he wish to do so.
30. The Commissioner therefore finds the university in breach of section 16 of the FOIA in this case. She requires the council to comply with section 16 and provide appropriate advice and assistance so far as it would be reasonable for it to do so to enable the complainant to submit a refined request should he wish to do so.

### **Procedural matters**

31. The university failed to respond to the request within 20 working days of receipt. The Commissioner therefore finds the university in breach of section 10 of the FOIA.

### **Other matters**

---

32. The section 45 code of practice recommends that public authorities carry out internal reviews within 20 working days of receipt. If a request is particularly complex or voluminous this can be extended up to a maximum of 40 working days but it would be good practice to inform the complainant that additional time is required.
33. In this case the university did not carry out the internal review within 20 working days of request. The Commissioner does not consider the request was particularly complex or voluminous to warrant additional time. The Commissioner would therefore like to remind the university of the requirements of the section 45 code of practice and ask the university to ensure that in future internal reviews are completed in a timely manner and within the recommended timescales.

## Right of appeal

---

34. 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)

35. 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.
36. 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

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**