

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 August 2019

Public Authority: The Council of Cardiff University

Address: Inforequest@cardiff.ac.uk

Decision (including any steps ordered)

1. The complainant requested information relation to a specific report prepared by the Public Policy Institute of Wales. Cardiff University ('the University') provided the information requested but the complainant considered that the University held additional information. The Commissioner's decision is that, on the balance of probabilities, the University does not hold any further recorded information falling within the scope of the request. The Commissioner does not require any steps to be taken.

Request and response

2. On 10 October 2018, the complainant wrote to the University and requested information in the following terms:

"Earlier this year the PPIW published a document entitled '[Parental Physical Punishment: Child Outcomes and Attitudes](#)', which I understand is part of the Wales Centre for Public Policy, part of and funded by Cardiff University.

In preparing the document officials from the Welsh Government were in contact with the Public Policy Institute for Wales and Wales Centre for Public Policy, engaged in discussing the report and how to frame its presentation.

Please provide me with a copy of, or details of documents, including emails, minutes from meetings and notes from discussions relating to these discussions.

In particular I am keen to see all documents relating to the presentation or framing of the conclusions and why this report which was virtually complete in December 2017 was not published until 6-7 months later.

I would like my request to cover the period 1st October 2017 – the publication of the report in July of this year (2018)”.

3. The University responded on 7 November 2018 and provided the information requested.
4. On 7 November 2018 the complainant wrote back to the University to express his dissatisfaction with the handling of his request. He reiterated that he had requested *all* documents held relevant to his request, including minutes of meetings and notes. He also indicated that he was aware of early drafts of the report in question and that he had been advised that there was contact between the relevant parties prior to April 2018. He asked the University to "*provide copies of these documents, emails etc*".
5. The University provided the outcome of its internal review on 3 December 2018 and upheld its position that it had disclosed all of the information held relevant to the request.

Scope of the case

6. The complainant contacted the Commissioner on 7 December 2018 to complain about the way his request for information had been handled.
7. The scope of the Commissioner's investigation into this complaint is to determine whether, on the balance of probabilities, the University holds any further recorded information relevant to the request of 10 October 2018.

Reasons for decision

Section 1 – general right of access

8. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to him.
9. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and

arguments. She will also consider the actions taken by the authority to check that the information is not held and she will consider any other reasons offered by the public authority to explain why the information is not held. She will also consider any reason why it is inherently likely or unlikely that information is not held.

The University's position

10. The University explained to the Commissioner that the Public Policy Institute for Wales ('PPIW') was the predecessor of the Wales Centre for Public Policy ('the WCPP'). It is co-funded by the Economic and Social Research Centre, the Welsh Government and the University. The WCPP commenced operations on 1 October 2017 and is based in the University. According to its website¹, the WCPP collaborates with leading policy experts to provide ministers, the civil service and public services with evidence and advice to help improve policy decisions and outcomes. It also undertakes research to develop understanding of the role that evidence can play in supporting better policy making and public service delivery.
11. The request in this case relates to a report which was commissioned in October 2016 by the First Minister at the time. It was one of two commissioned reports on related topics, which were intended to be published at the same time.
12. The University advised the Commissioner that information relevant to the request would be held electronically only, either within its shared drive or on laptop hard drives. Staff working within the WCPP have an agile working environment which means that most of the team work on laptops.
13. The University provided the Commissioner with detailed information about the searches undertaken to identify information held relevant to the request. It also stated that the searches were originally undertaken on receipt of the request in October 2018 and repeated after the Commissioner's involvement in May 2019.
14. The University explained that only two members of staff in post were involved in the project in question. Another individual who was involved in drafting the report left the PPIW in December 2016 following which their account profile was deleted and their laptop reformatted. The University advised that comprehensive searches were undertaken of all

¹ <https://www.wcpp.org.uk/about/>

relevant folders within the email accounts for the two relevant staff members. The search terms that were used included punishment, parental, physical and the names of all relevant individuals who were involved in the project, for example the names of the Deputy Director, Children and Families Division and the Head of Legislation and Parenting Branch within the Welsh Government.

15. All information which was identified during the searches was saved and located on the WCPP's shared Drives, with separate folders for 2017 and 2018, in date order, within the sub folders. The University advised that a separate search was undertaken by the Communications and Engagement Officer in relation to publication of the report. In addition, the project lead undertook similar searches within his own email account folders and on his laptop. All information which was identified during the searches has been disclosed to the complainant.
16. The University also undertook a full document search of the PPIW/WCPP folders on its shared drive for earlier drafts of the report and meeting notes. No notes of meetings discussing the report were located. The University confirmed that the report *"went through several versions in the drafting process as we responded to comments from internal and external review"*. The University stated that its working practice at the time was to annotate copies of draft reports or include comments within an email. At various times, therefore the shared drive would have contained previous drafts of the reports, with comments, which may have fallen within the scope of the request. However, the University explained that early drafts would have been *"superseded/overwritten by later updated versions. As per our working practices and in accordance with University guidelines, these would have been deleted as working practices"*.
17. Other than early drafts of the report, the University confirmed that it is not aware of any other information relevant to the request that has been deleted or destroyed. Further, as any earlier drafts of the report would have been overwritten by updated versions in line with project management processes, the University confirmed that it does not hold a record of their deletion.

The complainant's position

18. The complainant expressed concern at the lack of information held relevant to his request prior to April 2018. In his complaint to the Commissioner the complainant referred to a note of a meeting between the WCPP and the Welsh Government on 28 March 2018. The note refers to previous meetings and discussions on the report and early drafts of the report. He therefore felt that the University had not disclosed all the information it holds relevant to the request, including

copies of early drafts of the report. In addition, he advised that he had previously had sight of an early draft of the report "*which reached a different conclusion*". In its internal review response the University explained that "*the lack of materials prior to April 2018 reflects a lack of contact between the Centre and Welsh Government in the period between October 2017 and April 2018*".

19. In its response to the Commissioner the University explained that the WCPP was undertaking two pieces of linked work at the time. The report which is the subject of the request was one of two commissioned reports on related topics. The report was largely complete before October 2017 however, however work on the second report (which is not in scope of the request) was still ongoing. As such, in the period between October 2017 and April 2018 the University explained that interactions between the WCPP and the Welsh Government related primarily to the second report.
20. The University confirmed that the Welsh Government had provided comments on earlier versions of the report, which informed its drafting. These comments were focused on points of accuracy within the report as opposed to substantive points. However, in line with its project management practices the University does not retain early drafts of reports.

The Commissioner's conclusion

21. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that it holds no relevant information. However, as explained earlier in this notice, the Commissioner is required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.
22. Based on the evidence available to her the Commissioner is satisfied that the University has carried out adequate, appropriately-targeted searches, which would have been likely to locate all the information falling within the scope of the request. The Commissioner has not seen any evidence or grounds for believing there is any motive to withhold information relevant to the request. Based on the searches undertaken and the other explanations provided the Commissioner is satisfied that on the balance of probabilities, the University does not hold any further recorded information relating to the request, other than that which it has disclosed.

Right of appeal

23. 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@justice.gov.uk

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

24. 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.
25. 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

**Joanne Edwards
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