

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 December 2020

**Public Authority:** St Mary's University  
**Address:** Waldegrave Road  
Strawberry Hill  
Twickenham  
TW1 4SX

#### Decision (including any steps ordered)

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1. The complainant requested information from St Mary's University ("the University") relating to the student accommodation provided by the University. By the date of this notice the University had not provided a substantive response to this request.
2. The Commissioner's decision is that the University has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The University 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

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5. On 15 September 2020, the complainant wrote to the University and requested information in the following terms:

*"Can I please make a Freedom of Information request for the following information;*

*1. How many student accommodation units/rooms does St Mary's University have at your disposal to rent to students across the entire estate?*

*2. How many student complaints in 2020 have St Mary's University received where students have claimed that they have been overcharged for their accommodation fees due the closure of the University because of the coronavirus pandemic?"*

6. Whilst the University did not acknowledge this request, the complainant has provided evidence which shows that the request was sent to the University's published email address. Therefore, the Commissioner has assumed that this request was received by the University.

## Scope of the case

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7. The complainant contacted the Commissioner on 1 November 2020 to complain about the University's failure to respond to his request.
8. The Commissioner contacted the University on 20 November 2020 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 20 November 2020 to explain that the University had been given 10 working days from that date within which to provide a response to their request.
10. The University did not acknowledge or respond to the Commissioner's correspondence of 20 November 2020.
11. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

## Reasons for decision

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12. Section 10 of the FOIA states 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.*

13. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

## Right of appeal

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16. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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** .....

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**