

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 November 2022

Public Authority: Equality and Human Rights Commission (EHRC)

Address: Fleetbank House
London
EC4Y 8JX

Decision

1. The Commissioner's decision is that, on the balance of probabilities, EHRC does not hold any further information within scope of the complainant's request for information about legal assistance and EHRC's strategic priorities and has complied with section 1(1) of FOIA.

Request and response

2. In the course of a longer correspondence, on 5 November 2021 EHRC wrote to the complainant to confirm the scope of a new request that had been discussed on the telephone, as follows:

"1. Summary of requests for legal assistance from university students concerning disability discrimination, received between January 2017 and May 2019. * Date, Triage Outcome, Reason, Further details where applicable

2. Internal records relating to discussion of the legality of the EHRC's strategic priorities (aims) and, in particular, whether those priorities were disproportionate or discriminatory in their impact on university students."

3. EHRC's final position is that it has disclosed all the information that it holds that falls within scope of the above request.

Reasons for decision

4. This reasoning covers section 1 of FOIA and whether or not EHRC holds any further information relevant to the complainant's request, on the balance of probabilities.
5. Section 1 of FOIA requires a public authority to confirm whether it holds information that has been requested and to communicate it to the applicant if it is held and is not exempt information.
6. The complainant considers that EHRC holds relevant information for the period 28 August 2018 to 31 May 2019 that it has not disclosed.
7. In its internal review, EHRC explained that staff in relevant teams (Legal and Compliance, Legal Intelligence and Impact, Litigation and Advisory, Strategy and Policy teams) had searched for information within scope of the request. This included searches of emails, electronic folders, systems and paper records. No additional information for the period 28 August 2018 to 31 May 2019 had been identified.
8. In its submission to the Commissioner, EHRC has confirmed that to assist the Commissioner's investigation, it identified four members of staff (counting one job-share post as one person) who are most likely to hold information. EHRC asked each to confirm that they hold no additional information relevant to the request. They each confirmed in the negative.
9. EHRC explained that part 1 of the request relates to its statutory function and any information in scope would be routinely logged. It has searched those logs and also consulted colleagues. EHRC has not identified any further relevant information and does not believe there are any other reasonable avenues it could pursue.
10. Regarding part 2 of the request, EHRC says it would reasonably expect that its Strategy team would hold any such information, as it is responsible for EHRC's Strategic Plan. As it advised in its internal review, EHRC confirmed it has consulted that team and also other teams and no further information was identified.
11. The complainant has a number of concerns about EHRC [and other bodies] and is sceptical that EHRC does not hold any other information. However, the Commissioner considers that EHRC has carried out adequate and appropriate searches for relevant information. He accepts that EHRC has now exhausted all reasonable avenues of search and that, on the balance of probabilities, it holds no further relevant information.

Right of appeal

12. 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

13. 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.
14. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF