

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

### **Decision notice**

**Date:** 4 November 2022

**Public Authority:** The Council of the University of Durham

**Address:** Palatine Centre  
Stockton Road  
Durham  
DH1 3LE

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

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1. The complainant requested information from the Council of the University of Durham ("the University") about trigger warnings, content warnings and content notes issued to students of English Literature and English Literature and History undergraduate degree courses.
2. The Commissioner's decision is that, on the balance of probabilities, the University does not hold information within the scope of the request.
3. The Commissioner requires no steps to be taken as a result of this decision.

#### **Request and response**

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4. The complainant wrote to the University and requested information in the following terms:

"[...]"

Please note that I am interested in information which applies to any and or all of the following undergraduate degree courses.

English Literature

English Literature and History.

Please note that the definition of trigger warnings and or content warnings and or content notes should extend to the following kinds of advice and or warning and or note and or guidance. It should be guidance and or warning(s) and or advice and or note(s) designed to...

(i)...Protect and prewarn students who may be at risk of suffering stress and or discomfort and or anxiety and or emotional upset and or trauma and or distress when they are confronted with and or asked to study/explore stories and or plots and or ideas and or issues and or topics and or characters and or episodes and or images and or artworks and or films and or photographs and or historical and religious writings and or historical artefacts which may in some way reflect their own personal experiences and or other real life experiences.

and or

(ii)...Warn students that the content of courses and or modules and or specific teaching materials and or individual works and or ideas and or writings and or artefacts and or images either contain sexually explicit and or violent content and or have the potential to cause offence because they reference and or deal with and or include issues and or depictions relating to age and or disability and or death and or birth and or gender and or sexuality and or race and or religious belief and or political belief and or prejudice and or discrimination and or income and or social background.

Please note that the reference to teaching materials both above and in the questions below should be taken to mean particular novels and or particular plays and or particular poems and or particular pieces of music and or particular musicals and or particular songs and or particular recordings and or particular photographs and or particular paintings and or particular statues and or particular sculptures and or particular busts and or particular drawings and or other kind of artworks and or cartoons and or other animated works. The reference should also include examples of historical writings and historical texts and or any writings from antiquity and or Ancient Greece and or Ancient Rome and or the 'classical period' as well as any sacred religious works (including but not limited to the Bible) and or religious writings and or philosophical works and or political theories/writings. They should also include historical artefacts and or any pieces of armour or weaponry and or human remains and or any fossils and or any historical finds. They should also include cinema films (live action or animated) and or television dramas and or TV documentaries and or TV programmes (live action or animated) and or individual academic textbooks.

Please redact the names of any students, teaching staff, faculty employees and researchers from the documents and information provided.

I am interested in all information generated and or held by the faculty which relates to its own actions and decisions as well as the actions and decisions of its academic staff and or employees and or anyone acting on its behalf. I am also interested in all relevant information held by the faculty which relates to the actions and decisions of other individuals and or bodies within the University.

Please note that in relations to the questions about trigger warnings and or content warnings and or content notes I am interested in all information irrespective of whether these warnings and or notes are issued delivered orally and or in writing. I maintain that the department and or the University is likely to maintain records relating to oral warnings.

1 ...Are any of the above degree courses currently issuing trigger warnings and or content warnings and or content notes which cover entire degree courses and or specific modules and or specific topics and or specific seminars and or specific literary/dramatic/artistic/poetic traditions and or the work of particular authors/novelists/poets/dramatists and or particular artistic schools and traditions and or particular genres of film and or the works of particular filmmakers/artists/photographers AND OR particular issues and subjects and or particular historical time periods and or particular historic events and or particular historic figures and or particular religious figures and or particular religious works.

2....If the answer to question one is yes can you please provide the following details- In the case of each trigger warning and or content warning and or content note(s) can you provide a copy of the actual warning and or note. In the case of each warning and or note can you identify what it relates to. Please see the definitions above. In the case of each warning and or note can you identify the degree and the module In the case of each warning and or note can you state when it was introduced and why. In the case of each warning and or note can you state how it is communicated to the student. For instance, is it communicated in writing and or verbally.

3...Are any of the above degree courses currently issuing trigger warnings and or content warnings and or content note(s) which apply to

specific teaching materials. Please see the definition of teaching materials above.

4...If the answer to question three is yes can you provide a copy of the specific trigger warning and or content warning and or content note(s). In the case of each warning and or note can you provide the title of the teaching material(s) it relates to. In the case of the teaching materials can you identify the relevant novelist and or playwright and or poet and or thinker and or author and or film maker and or documentary film maker and or artist and or photographer and or musician and or historical figure and or religious figure. In the case of each warning and note can you state when it was introduced and why. In the case of each warning and note can you state which module and degree course it relates to. In the case of each warning and note can you state how is it communicated to students. For instance, is it communicated verbally or in writing.

5..Since 1 February 2021 and Irrespective of whether the faculty routinely issues trigger warnings and or content warnings and or contents notes has the university and or department and or staff on any of the degree courses felt the need to rest and or drop individual teaching materials (see definition above) and or remove material from those teaching materials. If the answer is yes, can you identify the specific teaching materials. In the case each of these teaching materials can you identify the relevant author and or writer and or novelist and or playwright and or poet and or filmmaker and or TV dramatist and or artist and or photographer and or musician and or historical figure and or religious figure. In the case of each of these teaching materials can you identify the relevant author and or writer and or novelist and or playwright and or poet and or filmmaker and or TV dramatist and or artist and or photographer and or musician and or historical figure and or religious figure. In the case of each of these teaching materials can you state whether it has been dropped from the course altogether or whether it has been rested. If information has been withdrawn, can you identify the information which has been withdrawn. In the case of each work that has been dropped and or rested and or has had material withdrawn can you state when this action was taken and why."

5. The University responded on 15 February 2022 and advised that it did not hold any recorded information within the scope of the request.
6. The complainant expressed dissatisfaction with that response on 15 February 2022.
7. Following an internal review, the University wrote to the complainant on 15 March 2022 and upheld its original decision.

## Scope of the case

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8. The complainant contacted the Commissioner on 30 March 2022, to complain about the way their request for information had been handled.
9. The Commissioner has considered whether, on the balance of probabilities, the University holds recorded information within scope of the request and whether it has complied with section 1(1) of FOIA.

## Reasons for decision

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### Section 1 general right of access

10. Section 1 of 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”.

11. The Commissioner has sought to determine whether, on the balance of probabilities, the University holds the requested information.
12. The University has explained that it's Information Governance team reviewed the University's policies to see if there was a direction in relation to “trigger warnings” or similar as described by the complainant. The team also conducted a search across the University's main repository (OneDrive), as any record that is available to the University as a whole would be available there. It considered that local content in relation to courses, especially older content that may not have been moved into OneDrive and might only be available locally. In addition, Directors of Boards of Studies would be expected to be familiar with the content of teaching material and be able to find any record relating to “trigger warnings” or similar as described by the complainant.
13. In terms of the policy review, each potentially relevant University policy was considered. As there was no mention of the concept of “trigger warnings” in the central policies, the University explained that it was therefore unlikely that such information would be held as a record because it's Records Management Policy would only require essential records to be retained for extended periods. Without a policy requirement in relation to the “trigger warning” concept, it would be less

likely this sort of information would be generated or be considered sufficiently essential to amount to a record requiring retention.

14. Upon preparing its submission to the Commissioner, the University repeated its electronic searches for the key word terms "content warning", "trigger", "warning" and "content notes". The term "notes" was not used due to the very likely large number of false positives. "content warning" and "trigger" returned three documents, but none of these were relevant to the request. The University noted that two documents did relate to "trigger warnings" or "content warnings" as described by the complainant, thus indicating that the search terms were appropriate, but these documents were not relevant as they were not related to undergraduate courses. The search term "Warning" returned 510 documents and none were relevant. "Content notes" returned 495 documents and none were relevant. The University explained that the searches would retrieve all documents saved as records which would include emails where the emails were considered sufficiently important as to amount to a record. A number of emails were returned by the key word searches. No recorded information within the scope of the request was found.
15. Finally the University carried out local searches in the relevant University department. The Chair of Boards of Studies (responsible for English) was the appropriate point of contact. Chair of Boards of Studies confirmed that this information was not held locally and explained that lecturers have discretion to make informal or ad hoc commentary upon reading materials, but such comments would not be recorded. The University stated that this is consistent with the policy position evidenced by the central policy review and the lack of relevant information returned from search of the central repository (One Drive).
16. On the balance of probabilities the Commissioner is satisfied that the requested information is not held by the University, as he has not been provided with any evidence that the University would hold further information.
17. The Commissioner is satisfied that the University has complied with its obligations under section 1(1)(a) FOIA in this case. He is therefore satisfied that the University has complied with the requirements of section 1 of FOIA.

## Right of appeal

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18. 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: 0203 936 8963

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)

19. 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.
20. 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 .....**

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