

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

### **Decision notice**

**Date:** 13 December 2022

**Public Authority:** **Governing Body of the University of Hertfordshire**

**Address:** **B204 College Lane  
Hatfield  
Hertfordshire  
AL10 9AB**

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

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1. The complainant requested information from the University of Hertfordshire ("the University") about trigger warnings, content warnings and content notes issued to students for certain modules of its English Literature degree course.
2. The Commissioner's decision is that, on the balance of probabilities, the University does not hold further information within the scope of the request. However, in failing to respond to the request within the statutory timescale, the Commissioner has determined that the University breached section 10(1) of FOIA.
3. The Commissioner requires no steps to be taken as a result of this decision.

### **Request and response**

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4. On 28 February 2022 the complainant wrote to the University and requested information in the following terms:

"Dear FOI /EIR Team

Thank you for your response to my request for information received on the 23 February - Your reference UHRF1003185.

After careful consideration I would now like to request a revised request for information via the Freedom of Information Act and the Environmental Information Regulations.

Please note that I am now only interested in information which relates to any of the English Literature modules included in the aforementioned response provided by you. This is the list of modules which begins with 4HUM1116 and ends with 6 HUM1155.

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(s) 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 depictions relating to age and or disability and or birth and or death and or abortion 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 murder and or torture and or warfare and or drug use and or alcoholism and or poverty/deprivation and or income inequality and or class and or social position and or environmental collapse. 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 stories 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 particular drawings and or other kind of artworks and or cartoons and or other animated

works. The reference should also include any particular performances and or staging's and or the work of any particular writer and or author and or novelist and or essayist and or diarist and or biographer. The reference should also include samples of historical writings and historical texts including but not limited to any writings from antiquity and or Ancient Greece and or Ancient Rome. It should also include but not be limited to any artworks and pots from antiquity and or Ancient Greece and or Ancient Rome. It should also include sacred religious works (including but not limited to the Bible) and or religious writings and or philosophical works and or political theories/writings. The reference 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. The reference should also include any cinema films (live action or animated) and or cinema clips and or cinema trailers and or cinema stills and or cinema posters and or cinema scripts and or the works of particular cinema directors and particular cinema stars. The reference should also include television dramas and or TV documentaries and or TV programmes (live action or animated) and or television commercials and or individual academic textbooks.

Please note that I am interested in information applying to all warnings and or notes including those that issued verbally.

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

I am interested in all information generated and or held by the relevant department of the University 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 University which relates to the actions and decisions of other individuals and or bodies within the University.

1...Are any of the aforementioned modules 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/dramatist/historians/philosophers 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 and or particular philosophies.

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 relevant 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(s). For instance, is it communicated in writing and or verbally.

3...Are any of the aforementioned modules 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 University routinely issues trigger warnings and or content warnings and or contents notes have any teaching staff on any of the aforementioned modules 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 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 29 June 2022 and advised that it did not hold any further recorded information within the scope of the request as it had already provided the complainant with the information it held in a previous request.
6. The complainant expressed dissatisfaction with that response on 29 June 2022.
7. Following an internal review, the University wrote to the complainant on 26 July 2022 and provided a revised response to the request and disclosed some further information.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 10 August 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 further 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 further requested information.

12. The University has explained that all trigger warnings are held in the University's teaching and learning system, Canvas, and are associated with each module. Any trigger warnings associated with the module are visible to all students who register for that module.
13. In preparing its submission to the Commissioner, the University consulted with the relevant staff and they confirmed that no further trigger warnings for specific texts exist. The University explained that any trigger warnings relating to specific texts were already provided in its internal review response of 26th July 2022.
14. The University considered the complainant's view that it had not provided the names of the specific texts to which the triggers warnings related and acknowledged that it could have stated more clearly in its responses the reason why, in many cases, specific texts were not provided. It clarified that this is because the trigger warnings associated with the module related to the themes and discussion which may arise during the teaching of the module rather than from the specific texts studied as part of the module.
15. 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.
16. 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.

### **Section 10 – time for response**

17. Section 10(1) of FOIA states that a public authority must respond to a request promptly and in any event not later than the twentieth working day following the date of receipt.
18. The request for information was made on 28 February 2022 and the University provided a response on 29 June 2022. 14. As this was more than 20 working days after the request was made, the Commissioner finds that the University breached section 10(1) of FOIA.

## Right of appeal

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19. 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)

20. 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.
21. 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**