

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

### **Decision notice**

**Date:** 24 January 2023

**Public Authority:** The Governing Body for the University of Exeter  
**Address:** Stocker Road  
Exeter  
EX4 4PY

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

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1. The complainant has requested the University of Exeter (the university) to disclose all the rumours and responses it holds on its Rumourbuster database. The university refused to comply with the request citing section 12 of FOIA.
2. The Commissioner's decision is that the university is entitled to refuse to comply with the request in accordance with section 12 of FOIA. However, he has found the university in breach of section 16 of FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Provide advice and assistance to the complainant so far as it is reasonably practicable in accordance with its obligations under section 16 of FOIA.
4. The public authority 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 18 June 2022, the complainant wrote to the university and requested information in the following terms:  
  
"My request relates to your staff rumourbuster.  
  
I would like to request a copy of all the rumours and responses to rumours published on this site:  
<https://www.exeter.ac.uk:443/staff/news/rumourbuster/rumours/>."
6. The university responded on 13 July 2022, refusing to comply with the request in accordance with section 12 of FOIA.
7. The complainant requested an internal review on 15 July 2022.
8. The university carried out an internal review and notified the complainant of its findings on 8 August 2022. It upheld the application of section 12 of FOIA.

## Scope of the case

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9. The complainant contacted the Commissioner on 8 August 2022 to complain about the way their request for information had been handled. They do not believe it is not possible to provide the requested information within the cost limit.
10. The Commissioner has received additional submissions from the university and he is satisfied that section 12 of FOIA applies. The following section of this notice will now explain why.

## Reasons for decision

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11. Section 12 of FOIA states that a public authority may refuse to comply with a request if it estimates that it would exceed the cost limit prescribed by FOIA. The cost limit for the university is 18 hours of work and the university is only permitted to take into account the time it would take to determine if it holds the information, locate and retrieve it and extract any relevant information from non-relevant information.
12. The university explained that the request was for all rumours and responses to those rumours on its Rumourbuster database. It said that this is used monthly and the request is not limited by time so it covers 7 years' worth of data.

13. It said that it had made enquiries to its IT department to see if there is anyway to download the information in bulk. It advised that there is – it can download it in bulk – however this would only produce one large, solid piece of text where the rumour and its response would not tally up. The university would then have to go through that bulk download, consult the system and manually tally up each rumour with each response.
14. The university therefore stated that the only way to comply with the request is to download each rumour individually and then download its response separately. It would then need to consult the system to provide the date of each. It explained that as the request covered 7 years of data this is a large task which would be in excess of the 18 hour cost limit prescribed by FOIA.
15. It confirmed that there is average of 198 records to individually download for each month. At one minute per record, over 7 years, it would take 23 hours to comply with the request and provide the information to the complainant.
16. The Commissioner is satisfied that the university has made all relevant enquiries to see if it is able to provide the requested information within the cost limit, including consulting its IT Department. The only way to comply with the request is to individually download every rumour and every response individually. It has an average of 198 records per year to download. At one minute per record this would take 23 hours, which is over the cost limit.
17. The Commissioner is satisfied from how the information is held that a rate of one minute per record is a reasonable time estimate. Although he notes that compliance is quite close to the cost limit, this does not detract from the fact that section 12 does apply in this instance.
18. For the above reasons the Commissioner is satisfied that section 12 of FOIA applies to this request.
19. The application of section 12 of FOIA triggers the duty to provide advice and assistance under section 16. This requires a public authority to provide advice and assistance, where reasonably practicable to do so, which may allow the applicant to submit a more refined request. The university has not provided any advice or assistance to the complainant in this case to enable them to consider how to make a refined request (for example a specified timeframe) if they wish to so. The Commissioner considers this is particularly concerning when the cost to comply in this case is very close to the cost limit threshold.

## Right of appeal

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20. 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)

21. 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.
22. 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

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**