

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 February 2023

Address: The Governing Body of the University of Exeter
Northcote House
The Queen's Drive
Exeter EX4 4QJ

Decision

1. The Commissioner's decision is that the University of Exeter ('the University') incorrectly relied on section 21 of FOIA to refuse to comply with parts 2a and 2b of the request about student accommodation. However, the University was not obliged to comply with these parts under section 12(1) of FOIA as to do so would exceed the appropriate cost limit. There was no breach of section 16(1) with regards to parts 2a and 2b.
2. The University does not hold the information requested in parts 2c and 2d of the request and incorrectly applied section 12(1) to those parts. With regard to those parts it breached section 10(1) of FOIA as it did not comply with section 1(1) within 20 working days.

Request and response

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

"Please supply the following information for the 2021-22 academic year:

1. The number (not the Full-Time Equivalent number) of part-time and full-time undergraduate, taught postgraduate and postgraduate research students registered at the University of Exeter who were based at each of the Streatham, St Luke's and Penryn campuses. For

the avoidance of doubt, I expect the response to this information request to include eighteen data points. For example the number of full-time undergraduate students based at Streatham campus and the number of part-time taught postgraduate students based at St Luke's campus constitute two of these eighteen data points.

2. The total number (not the Full-Time Equivalent number) of part-time and full-time undergraduate, taught postgraduate and postgraduate research students combined registered at the University of Exeter who were based in Exeter (and not at the Penryn campus) and living during term-time in:

(a) purpose built accommodation provided directly or indirectly by the University of Exeter

(b) other forms of student accommodation provided directly or indirectly by the University of Exeter

(c) purpose built accommodation not provided directly or indirectly by the University of Exeter

(d) other forms of student accommodation not provided directly or indirectly by the University of Exeter.

For the avoidance of doubt, I expect the response to this information request to include four data points. If these four accommodation types do not account for all the part-time and full-time undergraduate, taught postgraduate and postgraduate research students registered at the University of Exeter who were based in Exeter (and not at the Penryn campus), or type 2(d) does not meaningfully account for all the students who are not accounted for under types 2(a), 2(b) and 2(c), please identify all forms of accommodation in which University of Exeter students lived during term-time which are not accounted for by types 2(a), 2(b) and 2(c) and enumerate the number of students who lived during term-time in each type, in addition to enumerating the number of students who lived during term-time in each of types 2(a), 2(b) and 2(c).

Please supply the requested information in an electronic format which facilitates effective digital search, retrieval and interrogation of details.

If it is not possible to supply the information in these formats, please contact me to discuss its release by other means. ...”

4. The University disclosed information requested in part 1 of the request and provided some information broadly relevant to part 2. Its final position was to apply section 12 and section 21 of FOIA to the specific information requested in part 2.

Reasons for decision

5. This reasoning focusses on the University's reliance on sections 21 and 12(1) of FOIA and whether the University holds the information the complainant has requested. The notice will also consider whether the University breached section 10(1) and 16(1) of FOIA.
6. Under section 1(1)(a) of FOIA a public authority must confirm whether or not it holds information an applicant has requested. Under section 10(1), the authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
7. In parts 2a and 2b of their request the complainant has requested the numbers of students housed in purpose built and other types of accommodation that the University provided.
8. The University advised the applicant that this information was exempt from disclosure under section 21 of FOIA. Under section 21 information is exempt from disclosure if it is reasonably accessible to the applicant by other means.
9. The University had directed the complainant to information published on its website. In their request for an internal review the complainant told the University that the published information does not address their request.
10. The Commissioner has reviewed the information to which the University directed the complainant. This information broadly details the accommodation that the University offers – catered, self-catered, different residences etc; it does not provide information on the number of students housed in purpose built and other types of accommodation provided by the University in 2021/2022. As such, the University was incorrect to apply section 21 of FOIA to parts 2a and 2b of the request.
11. The Commissioner will go on to consider whether the University can be said to hold the information requested in parts 2a and 2b and, if so, whether it is entitled to rely on section 12.
12. As a general response to part 2 of the request, the University told the complainant that it had housed 6,660 students (of all types and including in purpose built accommodation) in the academic year in question. The Commissioner understands the 6,660 figure to relate to accommodation it provided itself.
13. The University explained that for each student it records certain information about their address (ie House number, Street Name, Postcode) but it does not record the type of accommodation the address is ie whether it is provided by the University or another party, whether it

is purpose built accommodation, whether it is the student's own family home etc.

14. With regards to parts 2a and 2b, the University has been able to confirm that it housed 6,600 students in the year in question. However, while it records an address for each student it does not record what type of accommodation that is for example whether the address is purpose built student accommodation, another type of accommodation or whether it is provided "directly" or "indirectly" by the University.
15. Presumably the University does hold general information about its own accommodation; it will know what accommodation it is responsible for. The University might therefore hold the 'building blocks' to enable it to collate the information requested in parts 2a and 2b.
16. To find out how many of the 6,600 students lived in its own purpose built accommodation and how many lived in other type of accommodation it provided, the University could conduct a manual review of each of the 6,600 student addresses and cross-reference each record against the information it has about its own accommodation. However, if it took only one minute to review and cross-reference one student record, it would take 110 hours to review and cross-reference the 6,600 records in scope in order to provide the information requested in these two parts.
17. Under section 12(1) of FOIA a public authority such as the University can refuse to comply with a request if the cost of complying would exceed the appropriate limit of £450 (18 hours work at £25 per hour). The Commissioner's decision is that it would exceed the cost limit to provide the information requested in parts 2a and 2b of the request and that section 12(1) is engaged in respect of those two parts.
18. Section 16(1) of FOIA obliges a public authority relying on section 12 to offer an applicant advice and assistance to refine their request if it is possible to do so. Given the volume of student records in scope of parts 2a and 2b and that the University does not record what type of accommodation each student address is, the Commissioner does not consider that these parts of the request could be refined to bring complying with them within the cost limit. As such there was no breach of section 16(1).
19. The Commissioner has gone on to consider parts 2c and 2d of the request, to which the University originally applied section 12(1).
20. These parts of the request are the numbers of students house in purpose built and other types of accommodation not provided by the University.

21. 30,012 FTE students studied at the University in 2021/2022. A proportion of these must be included in the 6,660 figure as having lived in accommodation provided by the University. That would still leave thousands of other students who did not live in University-provided accommodation.
22. As has been noted, the University records an address for each student but does not record what type of accommodation this is. That would also be the case for the approximately 23,000 students that it did not house itself.
23. The Commissioner has assumed that the University would hold general information about the accommodation for which it is responsible ie it would know what accommodation it had responsibility for. He has found that it potentially therefore has the 'building blocks' to enable it to provide the information requested in parts 2a and 2b, but it would exceed the cost limit to undertake that exercise.
24. The Commissioner does not consider that the University would hold any 'building block' information about any accommodation for which it is not responsible. The University would therefore not hold the information against which it could cross reference the 23,000 remaining student records to derive the numbers of students that lived in purpose built student accommodation that it had not provided and the number that lived in other types of accommodation that it had not provided. In the Commissioner's view, therefore, the University cannot be said to hold the information requested in parts 2c and 2d of the request.
25. The Commissioner notes that, even if it were the case that the University held this information because it held the necessary building blocks, it would take 400 hours as a minimum to provide the complainant with the specific figures they have requested and again exceed the cost limit under section 12(1).
26. By relying on section 12(1) the University indicated that it held the information requested in parts 2c and 2d. The Commissioner has found that it does not. The University therefore breached section 10(1) as it did not confirm that it does not hold the information within 20 working days of the request.

Right of appeal

27. 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

28. 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.
29. 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