

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 March 2023

Public Authority: The Governing Body of Ulster University

Address: Cromore Road
Coloraine
BT55 7EL

Decision

1. The Commissioner's decision is that, on the balance of probabilities, Ulster University ('the University') does not hold the information requested about marketing budgets and complied with section 1(1) of FOIA. The University breached section 10(1), however, which concerns the timeliness of the response.

Request and response

2. The complainant made the following information request to Ulster University on 14 August 2022:

"[1] Can Ulster University provide details of the total amount of money it has spent on marketing each of its campuses over the past five years?

Please break that down to provide a breakdown of the amount spent on each campus for each individual year?

Can it be broken down into different categories to show, for example, marketing such as that targeting international students, that targeting NI student, that targeting British students, Irish students; the style of marketing, online, videos, billboards, documents/leaflets etc?

Can overall totals be given as well as totals for some of the separate categories I've mentioned?

[2] I noticed YouTube videos produced for certain courses, can you provide a list of the courses that were marketed in such a way (all video platforms) and the amount spent on such videos - again specifying what campus that course is delivered on and the total amount spent on each campus (by that I mean determine where each course is taught then tally up the amount spent on each video)?”

3. The University’s final position was to confirm that it does not hold the specific information requested.

Reasons for decision

4. This reasoning covers whether the University holds the information the complainant has requested. It will also consider the timeliness of the University’s response.

Section 1 – general right of access to information held by public authorities

5. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled (a) to be told if the authority holds the information and (b) to have the information communicated to them if it is held and is not exempt information.
6. In its correspondence to the complainant the University explained that, as a unitary organisation with a regional mission, the University markets domestically and internationally across a range of channels and inclusive of all campuses. Activity the central marketing team leads on, and implements is at University level, rather than campus level. It followed, the University said, that it does not hold a central record of localised activities, developed at a distributed faculty level for programmes or courses, and that this information is not available.
7. In its submission to the Commissioner, the University first confirmed the above position. It then says that in formulating that response, the University was very mindful of the Commissioner’s relevant published guidance on [establishing whether information is held](#). First, the University acknowledged that FOIA focusses on providing information that is “held on record.” The University said that it does not hold on record its marketing spend.
8. The University goes on to say that it determined, in line with the guidance, whether the requested information could be created or drawn from a database within the acceptable cost and time limits set out in the guidance.

9. The University concluded that it could not. It is the University's view that extracting the information relevant to this request would require a high level of skill and judgement as referenced in the guidance. A very senior member of staff would have to work through each individual item of expenditure/invoice, as well as salary costs and expenses, and try to allocate these to what would be, in their opinion, the most relevant of the four campuses, where this was even possible. Having considered the feasibility of this process, it was the University's position that this would amount to "creating new information not already held." On this basis, the University informed the complainant that it does not hold the information they have requested.
10. The University notes that the complainant believes such information should be gathered and produced at an institutional level. However, it says that this is very much a decision for the University as an autonomous institution. By way of context, Ulster University operates four campuses across Northern Ireland and the furthest distance between campuses is that between Belfast and Derry-Londonderry where the distance is 63 miles (72 by car). It follows that there would be little merit in establishing separate marketing approaches/budgets for each campus.
11. It is not the Commissioner's role to consider whether a public authority should hold information an applicant has requested. His role is to consider whether or not, on the balance of probabilities, the authority holds information that an applicant has requested. In this case, the Commissioner has considered the University's submission and he is satisfied that it does not hold the information the complainant has requested for the reasons it has given and for the reasons explained in his own guidance. The Commissioner's decision is therefore that the University complied with section 1(1)(a) of FOIA.

Procedural matters

12. Under section 10(1) of FOIA a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. In this case the complainant submitted their request on 14 August 2022. The University did not confirm it does not hold the requested information until 9 November 2022. The University has explained to the Commissioner the reasons behind the delay, but he must nonetheless find that the University breached section 10(1) of FOIA.

Right of appeal

14. 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

15. 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.
16. 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