

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 in parts 1, 4 and 5 of the 16-part request for information about different aspects of the running of the University. The University's response to those parts therefore complied with section 1(1) of FOIA but it breached section 10(1) which concerns the timeliness of the response.

Request and response

2. The complainant made the following information request to Ulster University on 27 August 2022:

"[1] What is the number of staff working at each UU campus?

Can that be broken down to show academic staff, admin staff, cleaning staff etc?

[2] What do the different categories of staff get paid at each campus?

[3] Can you show the highest level of pay for staff and the lowest at each campus (by that I mean highest and lowest in Belfast, highest and lowest in Coleraine, highest and lowest in Derry)?

- [4] What are the yearly costs of running each campus?
- [5] What income (profit) is generated from each campus?
- [6] Can UU share the cost for cleaning windows at each of its campuses, whether that be weekly, monthly, or yearly but the same measure for each campus?
- [7] Which campuses have a bar/pub for students on site?
- [8] What eating facilities are on each campus? Are you aware of numbers each accommodate?
- [9] What sports facilities are available on each campus?
- [10] How many rooms/lecture theatres etc are unused on each campus (showing numbers on each campus)?
- [11] Is there any update on plans for a collaboration between Derry City FC and UU for a sports facility in Derry?
- [12] Where will it be located? How much is it expected to cost? What facilities will it offer?
- [13] What about the medical school? Any timeline for delivery, cost estimations or other details that can be shared?
- [14] Is there enough room on the current Magee campus to accommodate the medical school students and health science students?
- [15] Can UU share communications between UU and UCU in relation to the medical school in Derry?
- [16] Have any concerns been raised about citing the medical school on the riverfront when it is projected water levels could rise in the decades ahead and it could be at risk of flooding?"
3. The University released some information and directed the complainant to where information within scope of some parts of the request is already published. It advised it does not hold the information requested, at all or in the format requested, in parts 1, 2, 3, 4, 5 and 15 of the request.
4. The complainant requested an internal review in respect of the University's response to parts 1, 4, 5, 7, 10 and 13 of the request. The University provided clarification with regard to parts 7, 10 and 13 and confirmed it does not hold the information requested in parts 1, 4 and 5.

Reasons for decision

5. The complainant's complaint to the Commissioner lacks specifics; they appear to be concerned that the University's answers to the parts of their request are "very short" and they are dissatisfied with the University's "claim" that "it doesn't hold most of" the information requested. Having considered the complaint, the complainant's request for a review and the University's review, this reasoning covers whether the University holds the information the complainant has requested in parts 1, 4 and 5 of the request.

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

6. 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.
7. In its correspondence to the complainant the University explained that:
 - with regard to part 1, many staff work across numerous campuses and that an external provider provides the University's cleaning and security services; and that
 - with regard to parts 4 and 5, the University's finance system does not analyse costs by campus.
8. In its submission to the Commissioner the University said that in formulating that response, it was very mindful of the Commissioner's relevant published guidance on [establishing whether information is held](#).
9. The University explained that its staff "establishment" is not broken down by campus, because staff are employed by the University and not against an individual campus. It does not therefore hold the information on record.
10. The University then determined, in line with the guidance, whether the information the complainant has requested could be created or drawn from a database within the acceptable limits set out in the guidance.
11. The University concluded that it could not. In the University's view 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 staff member and allocate them to a specific campus. Whilst this might be possible for more junior staff, most of the University's senior staff are required to work across all campuses without being allocated to any one

specific campus. Having considered the feasibility of this process, the University's position was that this would amount to "creating new information not already held". On that basis, the University informed the complainant that it did not hold this information.

12. The University noted that the complainant believes such information should be gathered and produced at an institutional level but advised that this is very much a decision for the University as an autonomous institution.
13. With regard to parts 4 and 5 of the request, the University says it was again mindful of the above guidance produced by the Commissioner. First, the University acknowledges that FOIA focusses on providing information that is "held on record". The University says its finance systems do not break income and expenditure down by campus as it is a unitary organisation. The University again then determined, in line with the guidance, whether the requested information could be created or drawn from a database within the acceptable limits set out in the guidance.
14. The University again concluded that it could not. The University considers that extracting the information relevant to these parts 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 every item of expenditure and allocate this to a specific campus. 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 advised the complainant that it does not hold this information.
15. 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 the information 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 in parts 1, 4 and 5 of the request for the reasons the University 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

16. 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.
17. In this case the complainant submitted their request on 27 August 2022. The University did not confirm it does not hold the requested information until 2 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

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: 0300 1234504
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: 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

Cressida Woodall
Senior Case Officer
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Wycliffe House
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Cheshire
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