

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 September 2023

Public Authority: Council of the University of Southampton
Address: University Road
Southampton
SO17 1BJ

Decision (including any steps ordered)

1. The complainant requested information from the University of Southampton (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 1 June 2023, the complainant wrote to the public authority and requested information in the following terms:

"Plotting people's COMP3226 coursework 1 mark (for 22/23 cohort) against their average mark for the course (so far), what is the linear correlation coefficient? (Or some other metric that measures the correlation between the two)"

6. On 5 July 2023 the public authority requested clarification of the request and the complainant provided the following clarification:

"> COMP3226 is a module that is assessed as follows: 60% coursework, 40% written exam.

I don't know what it is going to be for the 2023/24 academic year, but for 2022/23 it was three courseworks making up the entirety of the module (no exam). The first of the three courseworks, and the one in question, was titled "Analysis of cloud security risks and mitigations".

> When you say "for the course (so far)", do you mean the course of study that each student taking module COMP3226 is on?

I've realised the original request is probably not the most useful to me. Instead, please could this be the average grade achieved by the student in this year (2022/23) of study. In other words, weighting the modules done this year as they would be for the final classification, what is the average percentage achieved?"

Reasons for decision

7. Section 1(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."

8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

9. On 22 August 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

12. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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
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Wycliffe House
Water Lane
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