

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 November 2023

Public Authority: The Governing Body of the University of Oxford

Address: Wellington Square
Oxford
OX1 2JD

Decision (including any steps ordered)

1. The Commissioner's decision is that none of the requested correspondence between former Prime Minister James Callaghan and Queen Elizabeth II is environmental information. The information is, however, exempt from disclosure under section 37(1)(a) of FOIA, which concerns communications with the Sovereign.
2. It's not necessary for the University of Oxford to take any corrective steps.

Request and response

3. The complainant requested correspondence between James Callaghan and Queen Elizabeth II from 1968 and from 1994 – 2005, and any other such correspondence that the Bodleian Library may hold.
4. The final position of the University of Oxford ('the University') was that requested information was exempt from disclosure under section 37(1)(a) of FOIA.

Reasons for decision

5. This reasoning first considers whether any of the requested information is environmental information which should be handled under the Environmental Information Regulations (EIR). It then focusses on the University's reliance on section 37(1)(a) of FOIA.

Is the information environmental information?

6. Regulation 2 of the EIR defines environmental information as being on the state of the elements of the environment and on factors or measures affecting or likely to affect those elements.
7. The University has provided the Commissioner with the information it's withholding. Having reviewed it, the Commissioner is satisfied that none of the information can be considered to be environmental information as defined under regulation 2 of the EIR. The University was therefore correct to handle the entire request under FOIA.

Section 37 – communications with the Sovereign

8. Under section 37(1)(a) of FOIA, information is exempt from disclosure if it relates to communications with the Sovereign.
9. The University advised the complainant that under section 63(2E-F) of FOIA, communications such as those requested wouldn't become a historical record until five years after the death of the Sovereign.
10. As noted, the Commissioner has reviewed the information in scope, which the University has provided to him. He's satisfied that the information relates to communications with the Sovereign. The Commissioner's decision is therefore that the information engages section 37(1)(a) of FOIA. As it's an absolute exemption, there's nothing further to consider in relation to section 37.

Right of appeal

11. 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

12. 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.
13. 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