

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 June 2017

Public Authority: Anglia Ruskin University (the University)
Address: Bishop Hall Lane
Chelmsford
CM1 1SQ

Decision (including any steps ordered)

1. The complainant made a multiple part request for information relating to various aspects of the University's academic delivery and relationship with its students.
2. The University provided the complainant with some of the requested information, however in respect of one part of the request (part 4) the complainant considered it had not provided all information held within the scope of the request. In respect of five parts of the request (parts 5 and 9-12) the University informed the complainant that it did not hold the requested information. The University also refused to respond to one part of the request (part 6), citing section 12 of the FOIA.
3. The Commissioner's decision is that in respect of part 4 of the request the University holds no further information within the scope of the request which has not already been provided to the complainant, and in respect of part 5 the University does not hold the requested information. In respect of parts 9-12 of the request the Commissioner finds that the University holds information within the scope of the request, however to the extent to which it constitutes the personal data of the complainant it is exempt by virtue of section 40(1) of the FOIA, and in relation to information which does not constitute the complainant's personal data the University has provided the complainant with all information held within the scope of the request. In respect of the University's application of section 12 of the FOIA to part 6 of the request, the Commissioner finds that the University was correct in refusing the request.
4. The Commissioner requires no steps to be taken.

Request and response

5. On 30 August 2016, the complainant wrote to the University and requested information in the following terms:

"I would request that you provide me with copies of the following documents

- *Terms and Conditions, and any documents which constitute a contract between the University and the claimant.*
 - *Prospectus and Student Charters for 2010 and 2011 International Students.*
 - *Module Syllabus and Module definition forms for all the modules the claimant engaged in.*
 - *Module Evaluation Reports for all the modules the claimant engaged in.*
 - *Marking Panels (Internal and External marker's information and their reports) for all the modules the claimant engaged in.*
 - *Qualification background and teaching experience portfolio of all lecturers and tutors involved in teaching the claimant.*
 - *Quality Control Schemes, including Tell Us, Have Your Say, National Student Survey, Student Experience Survey. This list is not exhaustive.*
 - *A survey on graduates' employability in the last 6 years.*
 - *Investigation report on delay in delivering assignment feedbacks (in January/February 2013).*
 - *Investigation report on the time-keeping and module hour-cutting issues complained by the claimant.*
 - *Investigation report on the duplication of modules complained by the claimant.*
 - *Other reports which are related to the claim.*
6. The complainant initially contacted the Commissioner on 5 October 2016 raising a concern that despite chasing the University, and also solicitors representing the University, she had not received a response to her request. The Commissioner contacted the University to encourage it to respond, following which the University confirmed that it had already responded in the intervening period, on 7 October 2017.
7. In its response the University provided the complainant with information relating to parts 1 - 4 of the request. In relation to parts 5 and 6 of the request the University refused to provide the information, citing the exemptions under section 36 (for part 5) and section 40 (for parts 5 and 6). In relation to parts 7 – 12 of the request, the University asked the complainant to clarify her request.

8. On 11 October 2016 the complainant wrote to the University in which she asked the University to review its decision to apply exemptions to parts 5 and 6 of her request. The complainant also provided clarification in respect of parts 7 – 12 of her request as follows:

- In respect of part 7 the complainant stated:

“By this I refer to information related to quality assurance system where results of external and internal student surveys. Such surveys can be found in Tell Us, and Have Your Say Schemes which Anglia Ruskin University has been running internally to deal with any concerns/complaints of its students. Detailed results from National Student Survey and Student Experience Survey are also part of the KIA which I would expect the university to provide. Information under this heading is requested for the last 6 years”.

- In respect of part 8 the complainant stated:

“The University has been advertising the graduates’ employability has been high over the years. I would like a copy of results and reasoning behind such advertising. For example, HEFCE has identified source of information on student employment can be relied on Destinations of Leavers from Higher Education (DHLE) survey. Information under this heading, is requested for the last 6 years”.

- In respect of parts 9 – 12 the complainant explained that these points:

“... are related to information about the complaints I made against Anglia Ruskin University in which can be referred to complaint records dated 19 June 2012, 29 July 2012, 14 September 2012, and a complaint outcome issued by the Office of Independent Adjudicator on 12 December 2013...”.

In particular the complainant explained:

- In respect of part 9:

“During my time studying in the University I made informal complaints to Tell Us and the business department about delay in delivering assignment feedbacks. It is known that a meeting to discuss delay in delivering assignment feedbacks was held around the time in January/February 2013..... I would like to have an investigation report and any records of meetings in relation to this issue.”

- In respect of part 10:

"I made a complaint about time-keeping and hour-cutting issue in the internal procedures on 19 June 2012 (International Business Module tutor's time-keeping and use of lecture-hour issue and Effective Teams and Performance Management Module tutor's unpreparedness to teach in the first academic three weeks; 29 July 2012 (issues repeated those stated in 19 June 2012); and 14 September 2012 (issue repeated those stated in 19 June 2012, and 29 July 2012, added Major Project Module tutor's cutting down teaching hours from 4 to 2 per week). I request a copy of evidence based investigation report and any material information in related to this complaint."

- o In respect of part 11:

"I made a complaint in the internal complaint procedures on 19 June 2012, 29 July 2012, and 14 September 2012 about redundancy of business modules (International Business in Focus and International Business).....I request a copy of evidence-based investigation report, including those staff/committees meeting in discussion of course content approval/modification/improvement/issues related to my complaints."

- o In respect of part 12:

"Investigation report about making errors in my assignment and exam papers which mentioned in the complaint letter on 14 September 2012."

9. The University responded to the complainant on 12 October 2016. It informed her that as the complainant had made the University aware that she had already sought advice from the Commissioner (on 5 October 2016 as per paragraph 6 of this decision) it would await her advice on the interpretation of the legislation. In respect of the clarification of parts 7-12 of the request (as provided by the complainant on 11 October 2016) the University considered that some of the requests continued to be ambiguous but taken together would exceed the cost limit (i.e. it applied section 12 of the FOIA).
10. The complainant contacted the Commissioner again on 20 December 2016, raising concerns about what she considered to be an incomplete response to her request. Furthermore she was concerned that the University had not carried out an internal review of its response to her request of 30 August 2016.
11. During the course of the Commissioner's investigation the University confirmed that it would conduct an internal review and wrote to the complainant on 17 January 2017 with its internal review outcome, in

which it provided the complainant with additional information within the scope of parts 4, 6, 7 & 8 of the request. The University also changed its responses in relation to parts 5 and 6. In relation to part 5, the University advised the complainant that it did not hold the requested information and in relation to Part 6 it informed her that it had applied section 12 of the FOIA (exceeds cost limit). In relation to parts 9 – 12 of the request (as clarified on 11 October 2016), the University maintained its decision that the requested information was not held.

12. The complainant further wrote to the University on 27 January 2017 highlighting a number of concerns about the internal review outcome. In response to that letter the University wrote to the complainant on 13 February 2017 advising her that the University's handling of her request was concluded, however it did provide some additional information within the scope of part 4 of her request.

Scope of the case

13. The complainant contacted the Commissioner on 24 February 2017 to complain about the way her request for information had been handled and asked the Commissioner to encourage the University to respond to her request fully, arguing that she was concerned about the completeness of the University's response to her requests and in relation to the application of exemptions by the University.
14. During the course of the Commissioner's investigation the University provided the complainant with some additional material, and some aspects of her complaint were resolved. In correspondence with the Commissioner the complainant clarified that the scope of her complaint was limited to parts 4, 5, 6 and 9-12 of her request, and it is these parts of the request that the Commissioner has considered in this decision notice.
15. During the course of investigating this case, the complainant raised a further concern with the Commissioner about the University's response to part 7 of the request, as clarified on 11 October 2016 (Quality Control Schemes). In response to this part of the request the University had previously provided her with information relating to various surveys within the scope of this request. The complainant subsequently obtained knowledge about the existence of the 'Student Representative Scheme' (SRS) whereby representatives from the Student's Union attend meetings at the University to discuss issues or concerns students have raised with the Union. The complainant is of the view that the SRS is jointly run by the University and the Student's Union. The complainant wants to see minutes of such meetings between the student

representative/s and the University under the SRS and considers that these fall within the scope of part 7 of her request.

16. In response to a request for information about the SRS the University informed the Commissioner that the SRS is run by the Student's Union, not the University, and is not linked in any way to its own quality assurance surveys. It explained that student representatives who are involved in the SRS are appointed through election and they attend a variety of meetings such as faculty boards, student matters committee and appeal hearings. If student representatives raise issues from their cohorts at those occasions these are not systematically or discretely recorded by the University. It confirmed that agendas, minutes, discussion points and the plans and reports of the Union's representatives from previous executive committee meetings can be viewed on the Student's Union website.
17. On the basis of the information available to the Commissioner she is of the view that the SRS does not form part of the University's quality assurance systems as it is not a survey or scheme run by the University. It is simply a mechanism whereby student concerns or issues may be relayed to the University. As such she does not consider that the complainant's request for minutes of SRS meetings fall within the scope of part 7 of the request and so will not fall to be considered within this decision notice.
18. The Commissioner therefore considers that the scope of the case is whether section 1 of the FOIA was applied correctly by the University to parts 4, 5 and 9-12, and whether section 12 of the FOIA was correctly applied to part 6 of the request.

Reasons for decision

Section 1 of the FOIA

19. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
20. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-Tier Tribunal decisions, applies the civil standard of the balance of probabilities.

21. In other words, in order to determine such complaints the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
22. As is the practice in a case such as this, the Commissioner asked the University a number of questions to confirm/establish if information, or in respect of those aspects of the request where information was disclosed to the complainant, further information within the scope of the requests is held.
23. When making this determination the Commissioner had paid specific regard to the wording of the request itself and the clarification provided by the complainant to the University on 11 October 2016 (in respect of parts 9-12).

Part 4 (module evaluation reports)

24. In its initial response to the complainant, the University inadvertently failed to address this part of the complainant's request (as confirmed in its internal review letter to the complainant dated 17 January 2017). The University provided the complainant with a document entitled "FOI Module Evaluation Data" as part of its internal review.
25. The complainant contacted the University on 27 January 2017 to inform it that she considered the information supplied to be incomplete, in that the University had only provided a departmental level report for the academic year 2009/10. The rest of the Annual Monitoring Reports (AMRs) did not include reports at departmental level. She confirmed that she was specifically interested in the Business Faculty (Lord Ashcroft International Business School or 'LAIBS') annual reports for the last 6 years. She also considered that the University should hold course level information, namely AMRs or any course evaluation reports for the BA (Hons) International Business Strategies (full-time in Cambridge) course for relevant academic years.
26. The University responded to the complainant on 13 February 2017 when it provided her with further information relating to AMRs for the LAIBS Faculty including information on the relevant course.
27. The claimant informed the Commissioner that she considered the University's response remained incomplete, as it had failed to provide her with any course level assessment to evaluate the performance of each course/pathway. She also stated that some of the information provided was outdated and not relevant to the specific academic years of data requested.

28. The claimant provided the Commissioner with a comparative table to demonstrate the incompleteness of the data supplied. The complainant explained that every module had a Module Definition Form (MDF) which was the officially validated record of the module. Usually MDFs were contained in the Module Guides (MGs) which were a more comprehensive introduction of the modules outlining key information about the modules, including module evaluation reports. The correct academic year of MDFs is important because in each semester/year the information could be different. The table she compiled indicated that 6 MDFs, 2 MGs and 3 sets of Module Evaluation Data were missing. It also indicated that 12 MDFs and 1 MG were outdated and did not correlate with the relevant academic year. 8 of the MGs did not contain Module Evaluations.
29. The complainant also provided a sample module evaluation report about which she indicated concern that it was oversimplified and did not accurately represent a quantitative or qualitative outcome of a survey. The Commissioner notes in this respect, that the FOIA is not concerned about the accuracy of the data provided. Nor is the FOIA concerned with what the complainant considers *should* be held by a public authority. The Commissioner is only able to consider what recorded information a public authority holds (or held at the time of a request) within the scope of a request.
30. The Commissioner contacted the University on 28 February 2016 asking questions to enable her to investigate whether the University held any information within the scope of this part of her request which had not already been disclosed to the complainant.
31. The University responded on 7 April 2017. It informed the Commissioner that following the provision of additional material to the complainant on 13 February 2017 it had not received any indication from the complainant that she considered course level information was required and so it was of the opinion that it had provided the requested information. The Commissioner asked the University to consider the table of missing/outdated data compiled by the complainant and to confirm whether it held any of the missing or, in the case where outdated information was provided, whether it held updated data relevant to the years highlighted on the table by the complainant. The Commissioner also asked the University to confirm whether it held any course level data as requested by the complainant.
32. Around this time, the complainant contacted the Commissioner again to confirm that the additional information sent to her by the University on 13 February 2017 did not alter the table previously compiled by her, and to advise that she considered the University should hold course level data. In particular, she referred to the Senate Code of Practice on

Curriculum Approval and Review from which she learned that every University course has to be approved and reviewed periodically, supported by 'quantitative and qualitative' evidence. Based upon the information within this document the complainant formed the view that the University should hold course level data.

33. The complainant also referred the Commissioner to the section of the University's website relating to the Academic Registry – Quality Assurance Service:

[http://web\(anglia.ac.uk\)/anet/academic/qad/index.phtml](http://web(anglia.ac.uk)/anet/academic/qad/index.phtml)

This provides details about the Annual Monitoring Process which makes reference to provision of information sets to departments for review by department colleagues. It confirms that the production of an AMR is based upon scrutiny of course performance data and evidence. Meetings are held to discuss performance in the department at module and course levels at which course leaders are present. The complainant bases her view that information at course level should be held on the information provided on the University's own website as above.

34. She further pointed out that the University is under a duty to keep its information "current" in line with its own policies and so it could not possibly satisfy her request by sending outdated information. The complainant also questioned why the University had not provided any information about its decision to cancel the course shortly after her period of study. The Commissioner considers that the reason for the University's decision to cancel the course and any related information falls outside the scope of this part of the request as worded and so does not fall to be determined in this decision notice.
35. The University provided a further response to the Commissioner on 5 May 2017. It confirmed that it had contacted the LAIBS and the Academic Office and with the benefit of the complainant's table had located some further information within the scope of this part of the request, which it provided to the complainant. This information amounted to MDFs related to the complainant's period of study. In instances where the complainant considered information to be outdated the University informed the Commissioner that the information provided is the only information held and so the complainant has received the most up to date information.
36. The University also informed the Commissioner that it does not hold course level information as suggested by the complainant. Following discussions within the University, it explained to the Commissioner that because of the way the University is structured it only holds

departmental level data. Information relating to courses is aggregated and is recorded and considered at a departmental level by the LAIBS.

37. The University further contacted the Commissioner on 19 June 2017, having discussed this aspect of the request further with the Deputy Dean of the Business School, in order to provide a clearer and more comprehensive picture. It explained that module evaluation is conducted by departments per module on the basis that each one may be used in the teaching of different courses. The reporting of these at departmental level in the years when the complainant studied at the University are contained in the AMRs which have already been disclosed to the complainant. The University also indicated that following a periodic review in 2014 the faculty piloted the use of Course Quality Enhancement Action Plans (CQEAPs) which included an analysis of modules at course level. This was introduced institutionally across the University in 2016. However the introduction of CQEAPs postdates the period of the complainant's study and the University confirmed it holds no course level information other than that already provided to the complainant for the years of her study.
38. Having considered the University's responses to the Commissioner's questions, the Commissioner is satisfied that, on the balance of probabilities, the University does not hold any further recorded information within the scope of the request.
39. The Commissioner understands the reasons why the complainant considers further information *should* be held, but the Commissioner can only consider what is *actually* held. It is outside the Commissioner's remit to determine if it should be held, and even if it should be, she cannot require a public authority to create the information under the FOIA. The Commissioner notes that she has no evidence that the University holds any further data than that already disclosed to the complainant. Any course level information held by the University (as per paragraph 37) postdates the period of the complainant's study and therefore falls outside the scope of her request.
40. As the Commissioner's decision is that the University does not hold further recorded information within the scope of this part of the request the Commissioner does not require the University to take any steps.

Part 5 (marking panel information and reports for modules engaged in)

41. In its internal review outcome of 17 January 2017 the University changed its initial response (which was that the information was exempt from disclosure under sections 36 and 40 of the FOIA) and advised the complainant that during the course of its review it undertook appropriate

searches and determined that in fact it held no information within the scope of this part of the request.

42. The complainant has informed the Commissioner that the Pathway Student Handbook 2011/12 states that "Module Evaluation Findings are produced for each module and are available online for access by all registered staff and students" in which external markers comments or reports should be found. The complainant confirmed that the University failed to provide her with such information whilst she was studying at the University.
43. In response to enquiries made by the Commissioner, the University confirmed its position as per its internal review outcome; that it had undertaken fresh searches for information within the scope of this part of the request and it was not held. The University informed the Commissioner that the following searches had been conducted:
 - A search was undertaken of the University's Student Management System ("ASTRA" (formerly known as "SITS")) (the University's database used to administer all aspects of course and student information), to ascertain which modules the complainant undertook during the period of her studies at the University, commencing in the 2010/11 academic year and concluding in the 2012/13 academic year. A list of modules was prepared.
 - Using the list above the University contacted relevant employees within LAIBS, Academic Office and Student Services Team to require searches to be undertaken of both paper and electronic records for the information sought. The Commissioner was informed that there is no central search facility which encompasses all of the University's electronic records, as a variety of discrete systems and software are necessarily used by different functions. In this case searches were undertaken of:
 - The "J: Drive" which hosts information such as internal/external moderation and mark sheets; and
 - "Sharepoint" and "VLE" (the University's virtual learning environment) which host information such as archived module guides, module definition forms, timesheets, academic videos and presentations.
 - These searches confirmed that marking panel information within the scope of the request was not located.
 - Subsequently, the University instructed its records manager to review the University's retention schedule for details of retention periods and evidence of document destruction. Having done so they

confirmed that the relevant aspect of the records retention schedule states that moderation paperwork is held for one year, until the next module occurrence. The University has provided the Commissioner with a copy of the relevant retention schedule.

44. The University concluded that the marking panel information within the scope of the request had been securely destroyed in accordance with its retention policy. Further, the information could not be generated from any information serving as "building blocks" still held by the University given its unique properties.
45. With regard to the complainant's reference to the 2011/12 Student Handbook, the University explained that the Module Evaluation Findings relate to comments and scores from students about their modules, collected from students at the end of their teaching. These differ from moderation paperwork which comprise examiner's/markers' reports on modules. Markers' comments are not included on/in the Module Evaluation Findings.
46. The complainant has responded by disputing that the University has applied the correct retention schedule. She considers that the requested information would more appropriately fall within the retention guideline on 'external examiners' annual reports or 'approval/re-approval event paperwork' which state that information should be retained for six years.
47. The Commissioner's view is that it is not within her remit to determine if the retention period applied by the University to the requested information is reasonable. She will not seek to impose retention policy decisions or recommendations on public authorities, as it is for each organisation to determine for itself whether and for what period it has a legal or business need to retain information. Her role in this case is to decide whether, on the balance of probabilities, the University holds information within the scope of this part of the request.
48. Having reviewed the information available to her, the Commissioner is satisfied, on the balance of probabilities, that the University does not hold the requested information. Her decision is based not on what the complainant considers *should* be held, but what is actually held. The Commissioner is satisfied that the searches for the requested information were adequate and appropriate, and she accepts the University's explanation that the reason it does not hold (or did not hold at the time of the request) the information is because it has been deleted in line with its retention schedule. In the absence of any evidence to show that the University holds any information within the scope of this part of the request the Commissioner cannot uphold the complainant's complaint.

49. As the Commissioner has decided that the University holds no information within the scope of this part of the request she does not require the University to take any steps.

Parts 9-12 (investigation reports related to complaints made by the complainant)

50. Following the request by the University in its initial response dated 7 October 2016, the complainant provided clarification in relation to these parts of her request on 11 October 2016 (as detailed in paragraph 8 of this decision notice). In its response, the University informed the complainant that it does not hold the requested information.

51. The University has confirmed to the Commissioner that it has already provided the complainant with letters written to her personally in relation to the matters covered in parts 9-12 of the request. These were supplied to her in response to a request made by the complainant under the Data Protection Act 1998 (DPA). The University has confirmed to the Commissioner that these letters constitute stage 'CS1' of a complaint (see paragraph 57 below) and as such the Commissioner finds that the University is incorrect in its assertion that it does not hold the requested information. The Commissioner's view is that in these circumstances the University does hold information within the scope of this request, however to the extent that it constitutes the personal data of the complainant it is exempt from this request by virtue of section 40(1) of the FOIA which states:

"Any information to which a request for information relates is exempt information if it constitutes the personal data of which the applicant is the data subject."

52. It is the complainant's position that in relation to parts 9, 10 and 11 it is not possible that the University holds no further information in relation to these matters. She says that all complaints were reported through the University's complaints system and it was part of the complaints process to produce a report following an investigation.
53. In support of her assertion the complainant provided the Commissioner with correspondence from the University which makes reference to complaints raised by her and the compilation of 'reports' by the University related to those complaints.
54. In response to enquiries made by the Commissioner, the University advised the Commissioner that it had previously supplied the complainant with some aspects of the requested information (as per paragraph 51), and had interpreted her request to mean investigative reports directly relating to her specific complaints to the University.

55. The searches conducted by the University for reports related to complaints made by the complainant during 2012 were as follows:
- Relevant employees within LAIBS and the Academic Office were instructed to undertake searches of both paper and electronic records for the information sought.
 - The search included its student records attributable specifically to the complainant. In particular searches were undertaken of ASTRA, the J Drive, Sharepoint and the VLE.
 - Searches for the investigative reports were not located as a consequence of those searches.
56. On the basis that the copy correspondence provided by the complainant to the Commissioner referred to the commissioning of a 'report' in early 2013, the Commissioner asked the University to confirm the time period over which searches were conducted and asked for further information in relation to its response. The University confirmed that searches were undertaken for the period subsequent to 2012.
57. The University further explained to the Commissioner that the formal complaints process includes details of the findings of any investigative process and this information forms part of the overall student complaint file. It confirmed that the complainant's records (including her entire complaint file) had been searched and all information held has already been provided to the complainant (as per paragraph 51). The University has informed the Commissioner that a senior academic within the business school confirmed that complaints, when investigated, follow a two stage process. Stage 'CS1' is the initial investigative stage, and 'CS2' is a 'review' stage (if required). It is usual practice for a senior investigator to make enquiries following receipt of a complaint and make handwritten notes. The investigator then writes an outcome letter to the complainant, which is the 'CS1' investigation stage. The letter written to the complainant in these circumstances is the investigation outcome document. It is these letters which have previously been provided to the complainant in response to a request made under the DPA. As no review was undertaken in respect of the complaints made by the complainant the University informed the Commissioner that no other information would be expected to be held within the file. Handwritten notes made during the course of the enquiries are routinely deleted once they are embedded in the outcome letter. Therefore it is the University's position that it does not hold any further information within these parts of the request.

58. The Commissioner considers that adequate and appropriate searches were conducted by the University, and accepts the explanation provided by the University as to why it holds no further information in relation to parts 9-11 of the request. She understands that the first stage of the process of investigating a formal complaint ('CS1') generally involves a senior academic tasked with addressing the complaint, writing to the complainant with their findings and that such a letter constitutes the 'report'. She also accepts the University's explanation that any notes taken by the investigator during their enquiries are routinely destroyed once the information has been incorporated into the final letter. As the complainant did not request a review of the outcome the Commissioner agrees that there could be no expectation that further information would be held on the complainant's complaint file. As such, the Commissioner finds on the balance of probabilities that the University holds no further information within the scope of parts 9-11 of the request and requires the University to take no steps.
59. In respect of part 12 of the request the complainant referred the Commissioner to a particular piece of correspondence provided to her by the University in its response to her request under the DPA (dated 29 January 2013). The correspondence refers to student complaints and to the compilation of 'reports'. The complainant considers that these 'reports' fall within the scope of her request because, even though not necessarily compiled in order to provide a direct response to her specific complaints as detailed in parts 9-11 of her request, a broad interpretation of her request would cover such reports. This is because the complainant has complained to the University about the academic delivery of the course she studied and she understands that shortly after conclusion of her studies the course was discontinued. She therefore considers that any reports compiled by the University during the period of her study and connected with delivery of the course would be broadly interpreted to relate to her overall complaint, even though these do not directly relate to her.
60. The Commissioner raised further enquiries of the University in order to ascertain the purpose of the reports referred to in the correspondence provided by the complainant, and whether they might fall within the scope of Part 12 of the request.
61. The University responded on 19 June 2017 and informed the Commissioner that having undertaken further searches with the assistance of staff within LAIBS and the Academic Office it does not hold an investigation report but it does hold information relating to this in the form of an Assessment and Feedback Action Plan for the faculty dated 2013. It explained that the content of this document is informed by complaints made to the University however it is not strictly an

investigative report as requested by the complainant and as such the University considers it unlikely that it would fall within the scope of part 12 of the request as worded. Nonetheless the University confirmed to the Commissioner that it has provided the complainant with a copy of this additional information. No other additional investigation reports or related information were located as a result of these further searches.

62. On the basis of the University's explanations and searches conducted, the Commissioner is satisfied, on the balance of probabilities that it holds no further information within the scope of part 12 of the request.

Section 12 of the FOIA

63. Section 12(1) provides that:

Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

64. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Regulations") sets the appropriate limit at £450 for the public authority in question. Under the Regulations, a public authority may charge a maximum of £25 per hour for work undertaken to comply with a request. This equates to 18 hours work in accordance with the appropriate limit set out above.
65. A public authority is only required to provide a reasonable estimate or breakdown of costs and in putting together its estimate it can take the following processes into consideration:
- Determining whether it holds the information;
 - Locating the information, or a document which may contain the information;
 - Retrieving the information, or a document which may contain the information;
 - Extracting the information from a document containing it.

Part 5 (lecturer's and tutor's details)

66. In its internal review (in which it amended its initial response to this part of the request) the University informed the complainant that given the historic nature of the information sought, to provide her with the information on the scale requested would require the University to retrieve all potentially relevant CVs from files or storage, contacting

individuals or departments to find out if they hold the information, and ascertaining which staff members were involved in teaching the complainant during the period of her studies. The University advised her that on a reasonable estimate, undertaking those activities will take the University in excess of the applicable time limit set by the FOIA to determine the appropriate material and locate, retrieve and extract the required information.

67. The University invited the complainant to provide a list of those lecturers and tutors whose details she requested however the complainant stated that she had not been provided with qualification and teaching portfolios during the time of study and she is now unable to recall the details.
68. In response to enquiries made by the Commissioner, the University explained that in the absence of clarification from the complainant about which staff were the subject of her request it would be necessary for the University to undertake the following activities:
- (i) Locate and check it's electronic records of 23 separate Module Definition Forms (MDFs) to ascertain the identity of those academics which were involved in delivery of the modules studied by the complainant during the relevant period
= 4 hours
 - (ii) Prepare a list of relevant academics for each of the modules
= 1 hour
 - (iii) Liaise with Human Resources (HR) team to ascertain whether each staff member identified on the list at point (ii) above remained a current member of staff, or had left the University's employment. This step is necessary to determine whether to search in current or archived HR files thereafter
= 2 hours
 - (iv) Undertake a physical search of HR records (either current or archived) and retrieving relevant information. HR records for previous employees are retained for 6 years from conclusion of employment. Each of the academic's files would be held separately. Subject to the number of staff involved in each of the 23 modules:
= minimum 12 hours

Total = 19 hours

69. The Commissioner notes that the University does publish general academic information profiles in relation to its current staff, however it is the University's position that as the complainant requires more detailed information step (iv) still needs to be completed; in any event step (iv) needs to be completed for non-current members of staff.
70. In her enquiries with the University the Commissioner raised the possibility that task (ii) above could be undertaken at the same time as task (i). The University informed the Commissioner that this could be undertaken at the same time, however there would be no significant time reduction in doing so.
71. The University informs the Commissioner that it has conducted a sampling exercise in order to support its calculations. It contacted colleagues in the University's Human Resources department who conducted a sampling exercise relating to personnel files of 4 known ex-members of LAIBS staff who were module leaders and therefore likely to have been involved in teaching the modules on the course. Undertaking the initial step of determining if the information was held by locating and checking electronic records of Module Definition Forms took 30 minutes of work including listing the relevant academics. The Commissioner considers that this work encompasses steps 1 and 2 of the task as per paragraph 65.
72. Undertaking the next step of ascertaining whether the staff member had left had left ARU's employment took 30 minutes (ie. step 3).
73. Undertaking a physical search of HR records to locate the individual staff files took approximately 45 minutes for 4 files although it should be noted that each member of staff had only recently left ARU's employment and so the files were current rather than in archive (Step 4).
74. However, these files were relatively straightforward to locate as each ex staff member was stated as a module leader on the module definition forms whereas there would also have been a number of hourly paid or 'stand in' lecturers teaching the modules whose names do not appear on the forms. To determine if this information was held by the University would require considerable additional time in checking back and locating individual timetabling and teaching records between 2011 and 2013.
75. The Commissioner notes that the information relating to four known individuals who were known to be module leaders took a total of 1 hour 45 mins to locate (or 26 minutes 15 seconds per individual). The Commissioner accepts that this is a conservative estimate given that it was not necessary in these instances to locate and check back on

- timetabling and teaching records nor were the records archived. She concluded that without knowing the approximate number of staff involved in teaching the 23 modules, it is not possible to base an overall estimate on a time per staff member. The Commissioner notes that the actual number of staff involved cannot be ascertained without completing step 1.
76. Accordingly the University carried out a further sampling exercise of five of the 23 modules within the complainant's course representing those modules undertaken in the academic year 2012/13. This exercise identified 8 different members of teaching staff which represents an average of 1.6 staff per module and therefore the University's estimate is 37 staff (the Commissioner notes this figure is rounded up from 36.8) in total taught the complainant over the entire course.
 77. Utilising the formula in its previous sampling exercise the estimated time taken to locate the information per course module leader member was on average 26 minutes 15 seconds. However this was a conservative estimate and did not include the time needed to check back and locate individual timetabling and teaching records between 2011 and 2013 to identify hourly paid or 'stand in' lecturers whose names did not appear on the module definition forms but were involved in teaching.
 78. Factoring in this additional step into the equation, the University confirms that the time taken to complete all the steps is a minimum of 30 minutes per staff member. With 37 staff the total time estimated to take to respond to this part of the request on a sensible and realistic basis is 18 hours and 30 minutes, which is in excess of the appropriate limit prescribed by the 2004 Regulations.
 79. The Commissioner asked further questions regarding the accuracy of the estimated total number of staff (37). In particular she asked the University whether it was possible for staff teaching on one module to overlap and teach other modules within a particular course which may potentially reduce the number of staff on any particular course. She asked whether the sampling exercise had taken into account any possible overlap between modules. The University confirmed that in the sample modules there was no overlap of staff and the identity of those teaching each module were separate and distinct and so it was safe to assume that the average number of staff per module (1.6) is accurate.
 80. In her considerations, the Commissioner noted that based upon an average of 1.6 staff per module, this would equate to an actual total of 36.8 for the entire course, rather than the rounded up figure of 37. Even taking into account the actual unrounded total of 36.8 the cost estimate would still exceed the appropriate limit.

81. The Commissioner concludes that the estimated total time, based upon the sampling exercise carried out by the University, is reasonable and as she is satisfied that the estimate exceeds the appropriate limit of 18 hours, the University is correct in its application of section 12.

Other matters

82. The Commissioner notes that the University failed to respond to the complainant's request of 30 August 2017 within 20 working days. The University also provided additional information falling within sections 4 and 6 of the request to the complainant in its internal review on 17 January 2017, and in relation to Part 4 on 13 February 2017, outside 20 working days. As such the Commissioner finds the University to be in breach of section 10 of the FOIA, which states that a public authority must comply with section 1(1) within 20 working days of receipt of the request.
83. The Commissioner further finds the University to be in breach of section 10 of the FOIA in respect of the clarified request dated 11 October 2016, in that it provided the complainant with information within the scope of the request outside 20 working days of receipt of the clarified request (in its internal review of 17 January 2017).

Right of appeal

84. 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@hmcts.gsi.gov.uk

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

85. 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.
86. 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

Pamela Clements
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