

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 1st August 2005

Name of Public Authority: Leeds Metropolitan University
Address of Public Authority: Civic Quarter
Leeds
LS1 3HE

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 2nd February 2005 the following information was requested from Leeds Metropolitan University under section 1 of the Freedom of Information Act 2000 (the "Act"):

In summary:

- (1) A copy of the report produced by an external assessor and commissioned by Leeds Metropolitan University in December 1993, in relation to a piece of research being supervised by the Complainant.
- (2) A copy of the minutes of the Faculty of Information and Engineering Systems Research Degree Sub-Committee Meeting referred to in a memo authored by a particular individual on 9th March 1994.

It is alleged that Leeds Metropolitan University failed to respond to the Complainant's request within 20 working days.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Complainant made their request by letter dated 2nd February 2005. Having received no response, they wrote again on 1st March 2005. Leeds Metropolitan University wrote to the Complainant on 31st March 2005 to explain that their letter dated 2nd February 2005 had been misplaced but that his request would now be processed. Leeds Metropolitan University finally responded to the Complainant's request by letter dated 26th May 2005.

Section 10(1) states:

“...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

The Commissioner’s decision in this case is that Leeds Metropolitan University has not dealt with the Complainant’s request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Action Required

The Commissioner recognises that Leeds Metropolitan University did provide the Complainant with a response to their request on 26th May 2005. In view of these matters the Commissioner does not require any remedial steps to be taken by Leeds Metropolitan University.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 1st day of August 2005

Signed:

Richard Thomas
Information Commissioner

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF