

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 24 February 2011

Public Authority: Peterborough Regional College
Address: Park Crescent Campus
Peterborough
PE1 4DZ

Summary

The complainant requested information concerning the name of a section within Peterborough Regional College ('the college') in which a named person worked. He also asked for the job title of the named individual during the academic years 2003/4 to the present. The college provided the requested information and detailed background explanation of the circumstances surrounding the changes of name of the identified section. The Commissioner's decision is that the college has provided the information held. However he has found that the college breached section 10 of the Act by not providing all the information within the time for compliance as stated in section 10.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

Background

2. The requests which form the basis of this Decision Notice follow on from a prolonged history between the complainant and the public authority. This chronicle of events includes various legal proceedings, an Employment Tribunal, County Court claims, appeals and numerous Freedom of Information requests which date from 2003 to the present day. This history stems from the complainant's work placement at the college in 2003/04.

The Request

3. On 9 October 2008 the complainant requested:

"...details regarding the name of the section of Peterborough Regional College which is currently known as 'Inclusive Learning', from the academic year 2003-04 to the present year."
4. The College responded to the first request on 27 October 2008 and provided the information sought.
5. On 3 November 2008 the complainant wrote to the college and asked:

"... could you advise me of the exact date or year in which the section known as the 'Foundation Programme' at Peterborough Regional College changed its name to 'Inclusive Learning'."
6. On 17 November 2008 the college responded and explained that no records were held which showed the exact date changes of name took place. The college also stated that the purpose of the 'Inclusive Learning' department had stayed the same throughout the period 2003/4 to the present and "...any change of name has occurred as a result of in-house organisational and administrative decisions".
7. On 26 November 2008 the complainant requested the same information.
8. The college responded on 18 December 2008 reiterating its reply of 17 November 2008.
9. On 29 January 2009 the complainant wrote to the college implying that the information provided was inaccurate and included a further request for:

"...details regarding the job title and the name of the section in which [a named person] has been working in from the academic year 2003-04 to the present.

I would be obliged if you could clarify whether or not the section was known as the 'Foundation Programme' or 'Inclusive Learning' for each of the academic years from 2003-4 to the present."
10. On 9 February 2009 the college provided more detailed information regarding the name of the specified section (referred to in both requests) and stated that no further recorded information was held on the department, section or team names. The college issued a refusal notice in respect of the named person's job title, relying on the exemption provided by section 40(2) of the Act (Personal Data).

11. On 17 February 2009 the complainant wrote to the college asking for the refusal notice to be reviewed.
12. On 5 March 2009 the college responded, upholding its original response and relying on section 40(3).

The Investigation

Scope of the case

13. On 7 March 2009 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider whether the information regarding the named person should be disclosed.
14. This notice therefore concerns the complainant's request made on 29 January 2009.
15. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.

Chronology

16. The Commissioner wrote to the complainant on 18 June 2009 explaining that he had investigated the college's responses to his requests. The Commissioner explained that he was satisfied that the college had provided further information which contextualised the information already provided. The Commissioner considered that the college had answered the first and second requests and the second part of the second request.
17. At the same time the Commissioner explained to the complainant that he would ask the college to revisit its refusal notice in respect of the first part of the second request because the personal information requested in this case related to an individual working in a customer facing role within the college.
18. On 18 June 2009 the Commissioner contacted the college regarding the provision of the job title of the named person.
19. On the same day the college wrote to the complainant and provided the job title of the named person working in the department as being 'Administrative Assistant'.

20. On 24 June 2009 the complainant wrote to the Commissioner stating that he was "... aware that the named person is currently employed at Peterborough Regional College as a Student Support Administrator".
21. On 29 June 2009 the Commissioner, having been satisfied that all the information held by the college had been provided, explained to the complainant that the college had now complied with its duties under the Act.
22. On 7 July 2009 the complainant contacted the Commissioner to question the information provided. The complainant stated that he was "...aware that the named person was employed as a Section Assistant for the academic year 2003-04 due to my work placement".
23. On 14 July 2009 the Commissioner responded with his reasons as to why he considered that the college had provided all the information it held in respect of the complainant's requests. The Commissioner explained again that the college had provided information regarding the historic organisational and departmental structures within the college and the name changes of the department dating back to 2000 in chronological order. The Commissioner further explained that he had also sought confirmation that the named person's job title was 'Administrative Assistant' and had been so since 2004. The Commissioner provided clarification to the complainant that although he had stated in his correspondence with the Commissioner that the named person was a 'Section Assistant' the actual job title of the named person was in fact 'Administrative Assistant'.

Findings of fact

24. The internal telephone directory at the college lists the named person as being a 'Student Support Administrator'. This description is an explanatory title used internally to clarify the named person's exact role. 'Student Support Administrator' is not the person's job title and it does not appear on her job description. The named person's job description records her job title as 'Administrative Assistant'.

Analysis

Procedural Requirements

Section 1(1)(a) and(b)

25. The Commissioner is satisfied that the college responded in accordance with section 1(1)(a) of the Act as it informed the complainant in writing whether it held the requested information. It went on to provide some

of the information whilst withholding part of the information in reliance of section 40(2) of the Act.

26. The Commissioner determined that information relating to the job title of the named person should have been disclosed by the college. The Commissioner considers that the disclosure of job titles is unlikely to be considered as being unfair to the individuals concerned. Therefore job titles in general should not be considered as personal data which is exempt from disclosure. The college accepted the Commissioner's guidance and provided the information which it had previously withheld. In doing so the Commissioner is also satisfied that it complied with the provision of section 1(1)(b) of the Act.
27. Although the Commissioner subsequently informed the complainant of his findings in relation to section 1(1), the complainant continually refused to accept them and to withdraw his complaint. Therefore the Commissioner has issued this Decision Notice.

Section 10

28. However, the Commissioner does recognise that it was only following his intervention that the college provided the job title of the named person. The provision of this previously withheld information – which the college accepts should not have been withheld in the first place - took place outside the 20 day time for compliance provided by section 10 the Act.

The Decision

29. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act:
 - By providing the recorded information relevant to both parts of the request made on 29 January 2009 the college complied with the requirements of sections 1(1)(a) and 1(1)(b) of the Act.
30. However, the Commissioner has also decided that the following element of the request was not dealt with in accordance with the Act:
 - The disclosure of the named person's job title was made after the twentieth working day after the receipt of the request. This fact leads the Commissioner to find that the college breached section 10(1) of the Act.

Steps Required

31. The Commissioner requires no steps to be taken.

Right of Appeal

32. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

33. 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.
34. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 24th day of February 2011

Signed

Alexander Ganotis
Group Manager – Complaints Resolution
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Legal Annex

General Right of Access

Section 1(1) provides 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."

Time for Compliance

Section 10(1) provides that –

"Subject to subsections (2) and (3), 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."

Personal information

Section 40(2) provides that –

"Any information to which a request for information relates is also exempt information if-

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied."

Section 40(3) provides that –

"The first condition is-

- (c) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

1. any of the data protection principles, or

2. section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(d) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded."