

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 December 2011

Public Authority: King's College Cambridge
Address: Cambridge
CB2 1ST

Decision (including any steps ordered)

1. The complainant has requested specific information about a named employee of King's College School, and information about the actions of the School in relation to an entry on Wikipedia. The public authority stated that the requested information was not held.
2. The Commissioner's decision is that the requested information is not held by the public authority.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 26 February 2011, the complainant wrote to the public authority and made a number of requests. The requests relevant to this case have been quoted below:

"(2) [A named individual] wrote to us and told us that [another named individual] needed a greater level of scrutiny. Please set out what that greater level of scrutiny is along with any documents that set this out? Please note that this is a different question to the one I asked about accountability of the [second named individual]."

"(4) The Wikipedia entry for King's College School Cambridge describes the recent history at the school including references to the failed inspection. Wikipedia is a public knowledge site which encourages a factual description of all subjects and therefore public

discussion. It serves a public interest and is widely used by all communities. I notice that in November 2010 and on many occasions prior to that date, many of the entries relating to the failed inspection and subsequent press comment have been removed by an account holder with a user name "Kcsict", which I assume stands for King's College School ICT dept. Such deletions mean that parents have been deliberately denied the opportunity to find out all they can about the school. Please supply details of who has been making such deletions, why and on whose instructions."

For ease of reference these have been referred to as requests (2) and (4) throughout the rest of this notice.

5. The public authority responded on 30 March 2011. In relation to request (2) it stated that no information was held, and that, *"There has been no recorded change in the scrutiny of the [second named individual]."* In relation to request (4) it stated that no information was held.
6. The complainant requested an internal review on 3 April 2011. In relation to request (2) he stated,

"I do find this answer quite amazing. Are you actually saying that [named individual] having admitted that the [second named individual] needed greater scrutiny, has done nothing about it?"

In relation to request (4) the complainant wrote,

"As I mentioned in my original [request], Kcsict is clearly, KCS ICT department. No one would have made the changes to the Wikipedia website unless he or she had the backing of a member of the school management team. I do not accept that the School hold no information on this serious matter. Please let me know the name of the school employee who has the registered name 'kcsict'."

7. Following an internal review the public authority wrote to the complainant on 28 April 2011. In relation to request (2) it stated that,

"In response to your question in requesting the review, our initial response does not say that [the named individual] has done nothing about it. Nor am I saying this now. I am, instead, confirming our initial answer that no records exist either in the School or the College recording a change in scrutiny of the [second named individual]."

In relation to request (4) it confirmed that no information was held that fell under this request.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way requests (2) and (4) had been handled.
9. Therefore the scope of this case has been to consider whether the public authority held any relevant recorded information that would fall under the scope of requests (2) and (4).

Background

10. For the reasons set out in the decision notices for FS50285876 and FS50318306, King's College School Cambridge is part of the public authority that is King's College Cambridge for the purposes of the FOIA.¹

Reasons for decision

Is any relevant information held?

11. Section 1(1) of the 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.
12. The complainant has argued that relevant information is held by the public authority. In relation to request (2) he has stated that its responses are *"evasive and unsatisfactory"*. In relation to request (4) he has stated that,

"It is clear that the 'KCSICT' is the King's College School ICT dept which was instructed to remove unflattering comments on the Wikipedia website. This is another example of the methods used by the school to cover things up that it doesn't want to see made public."

¹ http://www.ico.gov.uk/tools_and_resources/decision_notices.aspx

13. In cases such as this the standard of proof to apply in determining whether a public authority holds requested information is the civil standard of the balance of probabilities.² In deciding where the balance lies, the Commissioner will consider the searches carried out by the public authority as well as considering, where appropriate, any other reasons offered by the public authority to explain why the information is not held. The Commissioner will also consider any evidence that further information is held, including whether it is inherently unlikely that the information so far located represents the total information held.
14. Therefore the Commissioner has considered whether, on the balance of probabilities, the public authority holds any information that would fall under requests (2) and (4). In doing so he has particularly borne in mind any explanation as to why the requested information is not held.
15. In relation to the searches carried out by the public authority, it has provided the Commissioner with limited details of the searches it has carried out. However, having considered these details the Commissioner considers that they relate to other requests made by the complainant, rather than the requests which are the focus of this case.
16. During the course of the investigation the public authority provided the Commissioner with a further explanation as to why the information in question is not held.
17. In relation to request (2) it stated that it had explained to the complainant that no steps had been taken to increase the scrutiny to which the second named individual was subject. It explained that there were no discussions about this, and that it had been an expression of opinion made by the first individual named in the request. Consequently, *"there was no resultant College or School process that might have given rise to a record."*
18. In relation to request (4) it stated that,

"...there is no school employee who is registered as KCSict. It is the School who is registered. The Headmaster verbally requested the ICT department to counter the accusations made by [a named individual] on the Wikipedia entry about the School. Therefore [at the time of the request] there was no record of who is registered, who made the deletions, why and on whose instructions."

² *Bromley et al v Information Commissioner & Environment Agency* [EA/2006/0072], para's 10 to 13.

19. During the investigation the Commissioner wrote to the public authority in relation to request (4). Whilst noting the above comments, he pointed out that the original request had been for the name of the individual who had made the deletions from the entries on Wikipedia. Therefore, although the above argument arguably answered the request, as phrased at internal review, he was not convinced that it satisfactorily explained why it did not hold any recorded information that showed who had made the deletions in question. Whilst he noted the explanation that it was the School who was registered as KCSict, he questioned whether it had a record of which member of staff within the School's ICT department who had carried out the deletions – for instance, in records of who had been logged on under that username on the days that the deletions were carried out.
20. In response, the public authority explained that only members of the ICT department were able and requested to log onto the Wikipedia site to make the changes in question. However, at the time the School did not have the ability to log a domain user to a web site to be able to provide a record. The ICT department has subsequently introduced a bloxx proxy and web filter content management system, but at the time no logs were created. It reiterated that no records had been created to show who had carried out the deletions in question.
21. The Commissioner notes the complainant's comments as to why he believes that information in relation to these two requests is held. However, despite the complainant's obvious belief that relevant information is held, the Commissioner also noted that he has not provided any evidence to support his belief that the requested information is held.
22. Having considered the public authority's arguments as to why the requested information is not held, the Commissioner considers that they are reasonable and persuasive. Given this, and as the complainant has not provided any evidence to the contrary, the Commissioner is satisfied that on a balance of probabilities the public authority does not hold the requested information in this case.

Right of appeal

23. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

24. 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.
25. 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
Group Manager, Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF