

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 14 February 2023

**Public Authority:** Council of Goldsmiths, University of London  
**Address:** New Cross  
London  
SE14 6NW

### **Decision**

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1. The complainant requested information from Goldsmiths, University of London ("the University") relating to whether staff had given any trigger warnings to students about the content of course materials on their childrens literature courses and whether any materials had been withdrawn during the most recent academic year.
2. The Commissioner's decision is that the University failed to provide an adequate response to the request and has not conducted sufficient searches to determine if it holds information within scope.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation.
  - The University must conduct more thorough searches for information within scope of the request and issue a fresh response to the request, which is adequate for the purposes of FOIA.
4. The University must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## Request and response

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5. The complainant made the following information request to the University on 28 August 2022:

"I would like to request the following information via the Freedom of Information Act and the Environmental Information Regulations.

Please note that I am now only interested in information which applies to the courses 'MA Children's Literature' and 'MA Children's Literature: Children's Book Illustration' and any other course which specifically has the words 'children's writing' and or 'children's literature' and or children's fiction and or 'children's prose' in its title.

Please note that the definition of trigger warnings and or content warnings and or content notes should extend to the following kinds of advice and or warning and or note and or guidance. It should be guidance and or warning (s) and or advice and or note (s) designed to...

(i)...Protect and prewarn students who may be at risk of suffering stress and or discomfort and or anxiety and or emotional upset and or trauma and or distress when they are confronted with and or asked to study/explore stories and or plots and or ideas and or issues and or topics and or characters and or episodes and or images and or artworks and or films and or photographs and or historical and religious writings which may in some way reflect their own personal experiences and or other real life experiences.

and or

(ii)...Warn students that the content of courses and or specific teaching materials and or specific texts either includes depictions of sex and violence and or allusions to sex and violence.

and or

(iii)...Warn students that the content of the courses and or specific teaching materials and or specific texts including references to and or depictions of horror and or the supernatural and or black magic and or witchcraft and or myths and or

mythological creatures, and or religion and or fantasy and or monsters.

and or

(iv)...Warn students that the content of the courses and or specific teaching materials and or individual texts includes attitudes about and or references to race and or gender and or sexuality and or class and or income and or poverty and or wealth and or social background and or crime and or law and order which might now be considered old fashioned and or discriminatory and or upsetting and or insulting and or racist and or sexist and or homophobic.

and or

(v)...Warns students that the contents of the courses and or specific teaching materials and or individual texts includes attitudes about and or references to and or descriptions of animal cruelty and or hunting and or the behaviour of wildlife and or environmental collapse and or climate change and or global warming.

and or

(vi)...Warns students that the contents of the course and or specific teaching materials and or individual texts includes attitudes about and references to and or descriptions of the British Empire, British imperialism and colonialism, imperialism and colonisation in general, slavery, imprisonment, torture, war, and terrorism.

and or

(vii)...Warns students that the contents of the course and or specific teaching materials and or individual texts including references to or descriptions of birth and or death and or dying and or disability and or ageing and or abortion and or illness and or rape.

Please note that the reference to teaching materials both above and in the questions below should mean any original work of children's literature including individual books and or novels, anthologies of stories, and or stage plays and or pantomimes and or fairy stories and or illustrated stories and or comic books and or illustrations and or poems and or original cinema films (live action or animated) and or original TV dramas. The teaching materials also will include original works of childrens' literature by a range of authors (living and dead) who aimed works at

children and or teenagers and or young adults. The list of such authors will include but will not be limited to [names redacted]. The reference to teaching materials should also include any live action or animated film adaptation of a work of childrens' literature including but not limited to any adaptations by Walt Disney and the Disney company. The reference to teaching materials should also include any TV adaptations of any of the works of literature. The reference to teaching materials should also including drawings and or other kind of artworks and or cartoons either in the original works of literature and or which have been inspired by those works of literature. The reference to teaching materials should also include academic studies and or academic textbooks about any original work of childrens' literature.

Please note that I am interested in information applying to all warnings and or notes including those that are delivered verbally. I maintain that the University will keep a record of verbal as well as written warnings.

Please redact the names and personal details of any students, teaching staff, University employees and researchers from the documents and information provided.

I am interested in all information generated and or held by the relevant department of the University which relates to its own actions and decisions as well as the actions and decisions of its academic staff and or employees and or anyone acting on its behalf. I am also interested in all relevant information held by the University which relates to the actions and decisions of other individuals and or bodies within the University.

1...Does the aforementioned course (s) issue/include trigger warnings and or content warnings and or content notes which either apply to the entire course and or the work of a particular author (s) and or a particular genre or sub-genre of Childrens' literature.

2....If the answer to question one is yes can you please provide the following details. In the case of each trigger warning and or content warning and or content note (s) and or content guidance can you provide a copy of the actual warning and or note and or guidance. In the case of each warning and or note can you identify what it relates to. Please see the definitions above. In the case of each warning and or note can you state when it was introduced and why. In the case of each warning and or note can you state how it is communicated to the student (s). For instance, is it communicated in writing and or verbally.

3...Does the aforementioned course (s) issue/include trigger warnings and or content warnings and or content note (s) which apply to specific teaching materials/texts. Please see the definition of teaching materials above.

4...If the answer to question three is yes can you provide a copy of the specific trigger warning and or content warning and or content note (s) and or content guidance. In the case of each warning and or note can you provide the title of the teaching material (s) it relates to. In the case of the teaching materials can you identify the relevant novelist and or playwright and or poet and or thinker and or author and or film maker and or documentary film maker and or artist and or photographer and or musician and or historical figure and or religious figure. In the case of each warning and note can you state when it was introduced and why. In the case of each warning and note can you state how is it communicated to students. For instance, is it communicated verbally or in writing.

5...During the most recent academic year did and irrespective of whether the University routinely issues trigger warnings and or content warnings and or contents notes have any teaching staff on the aforementioned course / module felt the need to rest and or drop individual teaching materials (see definition above) and or remove material from those teaching materials. If the answer is yes, can you identify the specific teaching materials. In the case each of these teaching materials can you identify the relevant author and or writer and or novelist and or playwright and or poet and or filmmaker and or TV dramatist and or artist and or photographer and or musician and or historical figure and or religious figure. In the case of each of these teaching materials can you state whether it has been dropped from the course altogether or whether it has been rested. If information has been withdrawn, can you identify the information which has been withdrawn. In the case of each work that has been dropped and or rested and or has had material withdrawn can you state when this action was taken and why."

6. The final position of the University was that it did not hold information within scope of the request.

## Reasons for decision

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7. This reasoning covers whether the University has complied with its obligations under section 1(1) (general right of access to information).
8. The complainant is of the opinion that it is likely that the University does hold information within scope of the request and is concerned that the response provided suggests that the University has not actually conducted sufficient searches for information within scope of the request.
9. The position of the University is that it has complied with its obligations as it has confirmed to the complainant that it does not consider that it holds any information within scope of the request.
10. The University has advised the Commissioner that it carried out some searches in order to respond to the request.
11. Enquiries were made with Heads of academic departments and the course convener about whether there were "any central or localised policies, guidance or registers" in existence, which addressed the use of 'trigger or content warnings' for the specified courses. It was determined that there were not.
12. The University considered that if there were any warnings that met the definition of the request, "they almost certainly would be delivered in the moment, as an in-class warning in the course of delivering a specific learning event". We are advised that "If warnings are given in seminars or one to one teaching there will be no records made".
13. The University considered whether any 'trigger' warnings would be contained in the University's Virtual Learning Environment (VLE) system. It was determined that there was no dedicated, structured facility to record such and "the ability to search content on the VLE is very limited". There is no means by which any video recorded lectures could be searched for warnings "other than by physically listening to each and every recording". It was considered that although there was a forum facility on the VLE, this "would not typically be the primary means for staff to initiate communication with their students, with email being favoured for this instead". The University confirmed that it had "spent a significant amount of time reviewing the material held on the VLE. We have reviewed content to look for the word "warning" ..." but that no information within scope of the request was found.
14. The University searched their 'Reading List System', which is used to compile reading lists but advised the Commissioner that no information within scope of the request was found.

15. The University advised the Commissioner that it had considered carrying out searches of email correspondence but that it determined that it was "less likely" that such warnings would be given via this medium. The University advised that:

"Where held electronically in emails it would theoretically be possible to carry out a search for keywords. However, in practice, however, such a search would rely on the relevant material being in some way labelled, categorised, or otherwise recognisable. The search terms "trigger warning", "content warning", "content note" or "content guidance" are in fact highly unlikely to return the Information sought, as any such warnings, notes or guidance would be written in plain English, and would not be "tagged" or expressed in these terms.

A search to locate any fragments of information relating to trigger or content warnings would involve extremely broad search terms, and designing such a search would in and of itself require significant skill and judgement. Any such searches would then be likely to return a vast volume of content from academics' emails which was of no relevance to the Request. Furthermore to assess any material generated from the emails to capture any Information required to meet the Request, a significant level of skill and judgement would be required to understand the meaning and purpose of a warning if any were retrieved and it would take considerable additional skill and judgement to recognise whether or not a particular sentence identified by any search indeed met the criteria for the Information in which [name redacted] is interested since the Request itself is drafted so widely (and at such great length). We consider any such search is very unlikely to return any of the requested Information for the reasons explained above. As noted above, our search of the VLE returned only one entry with the label "warning" which was not within the scope of the Request. Any such exercise would be subjective, not mechanical, and two people would be likely to reach different conclusions in respect of the same search results. The "building blocks" to which the ICO refer in its guidance would require very significant manipulation."

16. The Commissioner considers that the University did not provide the complainant with an adequate response to the request as it is clear from the University's submissions to the Commissioner that, although it did conduct some searches for information, it did not conduct a search for any email correspondence, even though it had advised, in its submissions, that staff were likely to favour communicating with their students by email.
17. The Commissioner's decision is that the University has failed to provide the complainant with an adequate response to the request as it did not conduct a search of email correspondence.

18. The Commissioner requires the University to conduct a reasonable search for any email correspondence within scope of the request and provide the complainant with a fresh response, providing details of the searches conducted and the search terms used. The University should either provide the complainant with any information within scope of the request, if held, or an adequate refusal notice should be provided stating why any held information may not be disclosed.
19. The University did not provide its initial response to the complainant within 20 working days and, therefore, breached section 10 of FOIA.



## Right of appeal

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20. 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@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

21. 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.
22. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**