

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

### **Decision notice**

**Date:** 2 March 2024

**Public Authority:** The Governing Body of Brunel University  
London

**Address:** Kingston Lane  
Uxbridge  
London UB8 3PH

#### **Decision (including any steps ordered)**

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1. The complainant has requested communications associated with the Chair of Council of Brunel University London ('the University') about Queens University Belfast. The University has advised it doesn't hold any relevant information.
2. The Commissioner's decision is that, if held, the University doesn't hold the requested information for the purposes of FOIA and that it's entitled to rely on section 3(2)(a) of FOIA to refuse the request.
3. It's not necessary for the University to take any corrective steps.

#### **Request and response**

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4. The complainant made the following information request to the University on 7 August 2023:  
  
"All the sent and received communications (whether internal, external and regardless of the platform) of Professor Stuart Palmer that are related, however tangentially, to Queen's University Belfast. Such search can be limited to exchanges that took place after the 1<sup>st</sup> of January 2023. The nature of this request includes, but it is not limited

to: e-mail, physical correspondence, chat exchanges, messaging exchanges, etc.”

5. The University responded on 5 September 2023 advising that it didn't hold any relevant information. It confirmed that position in its internal review of 2 January 2024.

## Reasons for decision

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6. In its submission to the Commissioner the University has discussed its application of section 14(1) of FOIA in its communications with the complainant and that the complainant had submitted a second request to the University. Section 14(1) concerns vexatious requests.
7. The complainant submitted a complaint to the Commissioner about their request of 7 August 2023 only. The Commissioner has reviewed the University's response to that request and its internal review of 2 January 2024. In both, the University advises that it doesn't hold the information requested on 7 August 2023.
8. This reasoning will therefore focus on whether the University holds the information requested on 7 August 2023 under FOIA.
9. Under section 1(1) of FOIA a public authority must confirm whether it holds information that's been requested and communicate the information to the applicant if it's held and isn't exempt information.
10. Section 3 sets out the circumstances in which information is considered to be 'held' for the purposes of FOIA. Section 3(2)(a) states that a public authority holds information if it's held by the authority, "otherwise than on behalf of another person."
11. The Commissioner interprets the phrase "otherwise than on behalf of another person" to mean that a public authority holds information for the purposes of FOIA if it's held to any extent for its own purposes.
12. The request in this case relates to correspondence about Queens University, Belfast. It's almost identical to a request submitted to the University of Central Lancashire, reference IC-260483-T4L2<sup>1</sup> and

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<sup>1</sup> <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4028172/ic-260483-t4l2.pdf>

another submitted to the University of Leicester, reference IC-268384-G4M3.

13. From these earlier decisions, the Commissioner understands that membership of Universities & Colleges Employers Association (UCEA) is voluntary, and the organisation provides its member institutions with advice and guidance on all employment and reward matters relevant to the UK Higher Education sector.
14. Membership is held at organisational level and enables the key nominated individuals in each organisation to participate and have access to UCEA materials.
15. The key nominated individuals are typically the Vice-Chancellor/head of organisation, such as Professor Palmer in this case.
16. As in the earlier cases, the Commissioner understands that the requested correspondence concerns the Chair of Council's membership of UCEA, rather than any other position held at the University. The University wouldn't use any such information – correspondence – for its own separate purposes.
17. For the reasons he explained in his earlier decisions, the Commissioner is satisfied that, if the University holds information relevant to this request, it wouldn't use the information for its own purposes. Any such information held would be private communications between the Chair of Council and the UCEA.
18. The Commissioner is satisfied that, if held, the University doesn't hold the requested information for the purposes of FOIA and, therefore, it's entitled to rely on section 3(2)(a) of FOIA to refuse the request.

## **Right of appeal**

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19. 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: 0203 936 8963

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)

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**