

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 August 2024

Public Authority: The Council of University College London
Address: Gower Street
London
WC1E 6BT

Decision (including any steps ordered)

1. The complainant has requested information about follow-up research to two particular studies. The above public authority ("the College") stated that it did not hold any information.
2. The Commissioner's decision is that, on the balance of probabilities, the College does not hold the requested information.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 6 March 2024 the complainant requested information of the following description:

"A study published in European Urology (Marconi et al; 76 (2019) 27-30) in March of that year by UCLH with Guys Kings and Imperial found: '...The biological mechanism of this phenomenon is yet to be described and further research exploring the role of genetic and epigenic alterations in these tumours is ongoing.'

"...Please provide copies of minutes of research and/or clinical meetings which have happened since February 2019 which discuss the follow-up research referred to in quote marks above, including minutes of any meetings or conclusions made by researchers at UCL pertaining to research undertaken in the Marconi study."

5. The same day he referenced a further academic article (Thomson et al; BMC Urology (2020) 20.81) and asked:

"Please provide copies of research and/or meetings of researchers which discuss or review the issue referred to in quote marks above produced at UCL since June 2020 in pdf format."
6. On 7 March 2024, the College responded. It denied holding the requested information: a position it upheld following an internal review.

Reasons for decision

7. Where there is a dispute over the amount of information a public authority holds, the Commissioner must decide whether it is more probable than not that all the information held has been identified – or, as in this case, whether any is held at all. The test is described in more detail in the [decision notice support materials](#).

The complainant's view

8. The complainant pointed out that both the articles he had referred to indicated that further research on the subject matter was needed. Given that a number of the authors of each article were employed by the College it would make sense, he argued, that these individuals would have discussed follow-up research and that this correspondence would therefore be held by the College.
9. However, the complainant then went on to indicate that, in his view, one of the authors of one of the studies had a conflict of interest – in that the studies related to a particular surgical process that the author had helped develop. The complainant noted that the studies had indicated that this particular process may result in complications and therefore this author have a vested interest in ensuring that further research (which might confirm the extent of the complications – or even indicate that they were more common than previously thought) was not carried out.

The College's position

10. The College explained that some of the confusion may have arisen over the distinction between itself and University College London Hospital NHS Trust ("the Trust"). Whilst it accepted that it had a close relationship with the Trust and that some of its staff also held positions within the Trust, the College and the Trust were separate legal entities.

11. Whilst it was confident that it didn't hold any information within the scope of the request, the College accepted that some might exist. However, if it did exist, it was held by another organisation – possibly the Trust. However, any information the Trust held, wouldn't be held by the College.
12. Nevertheless, the College confirmed that it had consulted with relevant staff members – including some of the contributors to the articles referenced in the request. One of those staff members had confirmed that they did not hold any information within the scope of the request nor were they aware of any that existed. However, they referred the College to another staff member, who might hold relevant information.
13. The second staff member was aware of some relevant information, but these were the minutes of a meeting of the Trust, not the College. Consequently, the College did not hold this information.
14. The College also noted that one of the articles referred to research having been carried out at the Trust, but not the College (several other NHS or academic institutions were named as having contributed).
15. The College had not carried out its own electronic searches, it argued that, given the nature of the request, it was entitled to begin its searches by approaching those members of staff most likely to have knowledge of where any relevant information could be held. Where those staff members had confirmed that no information was held, the College argued that it was unnecessary to carry out further searches.

The Commissioner's view

16. In the Commissioner's view, it is more likely than not that the College does not hold this information.
17. Whilst carrying out electronic searches to confirm the position would have given him more certainty, the Commissioner recognises that the College has consulted relevant members of staff – and those staff members have, in turn, confirmed that no information is held by the College.
18. These members of staff would, in the Commissioner's view have been likely to be aware if the College held further information. He also notes that it is a criminal offence to conceal information that is subject to an information request and therefore there is a strong incentive for those staff members to provide accurate information.
19. The Commissioner notes that the request is predicated on further research having been carried out or contemplated. But beyond relatively broad "this issue would benefit from further research" statements

contained in the academic articles, there is no indication, that the Commissioner is aware of, that such work has been carried out (either by the College or anyone else) or contemplated.

20. The Commissioner expresses no opinion on whether such information exists. He is only required to decide whether, if the information does exist, it is also held by the College.
21. It is not for the Commissioner to decide whether the complainant is right to have suspicions of a vested interest, but he would note that, if the complainant were correct, that would indicate that the College was less, not more, likely to hold information.
22. On the balance or probabilities, the Commissioner is therefore satisfied that the information is not held.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Roger Cawthorne
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