

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

### **Decision notice**

**Date:** 25 October 2022

**Public Authority:** Leeds Arts University

**Address:** Blenheim Walk  
Leeds  
West Yorkshire  
LS2 9AQ

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

---

1. The complainant has requested information relating to trigger warnings.
2. Leeds Arts University ('the University') confirmed that it did not hold any information that fell within the scope of the request.
3. The Commissioner's decision is that, on the balance of probabilities, the University does not hold any information that falls within the scope of this request.
4. The Commissioner does not require the University to any steps.

#### **Request and response**

---

5. On 5 January 2022 the complainant made a request for information. Due to its length, it is outlined in an annex at the end of this notice.
6. The University responded on 27 January 2022, it confirmed it held information relevant to the request and provided the complainant with an annotated copy of their request. Next to points 1 – 5 of the request the University confirmed 'No', 'N/A', 'No', 'N/A' and 'No.'
7. The complainant was dissatisfied and on 16 February 2022 requested an internal review.
8. On 24 February 2022 the University provided further clarification around its use of trigger warnings, it explained 'All but one of the courses that

we were asked to consider in your request confirmed that they deliver no trigger warnings of any kind. We have one course BA (Hons) Fine Art, where the course team may on occasion consider it appropriate to share contextual information prior to the commencement of a session, to allow the students to make informed decisions about whether they wish to engage. These are verbally briefed, so there are no copies available to share. If they are given, this is done entirely on an ad-hoc basis and do not apply to specific sessions, materials or pieces of work as outlined in question (1).'

9. The University asked the complainant to confirm if they still wanted an internal review, which they did.
10. The University provided the outcome to its internal review on 8 March 2022. It reiterated the explanation above, and acknowledged that 'there may have been some confusion in respect of the compliance officer's original response, which stated that the University held the information but answered "no" for the substantive requests.'

### **Reasons for decision**

---

11. Section 1 of 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. In this case, the complainant disputes the University's position that it does not hold any information on trigger warnings for the courses in question.
13. In cases where a dispute arises over the recorded information held by a public authority at the time of a request, the Commissioner, following the outcome of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. This means that the Commissioner will determine whether it is likely, or unlikely, that the public authority held information relevant to the complainant's request at the time that the request was received.
14. In order to reach his determination, the Commissioner will consider what searches were undertaken to locate any information that would fall

within the scope of this request and why these searches would have been likely to locate all of the information in scope.

### **The complainant's position**

15. The complainant has explained that 'just because warnings may be verbal does not mean the University does not hold a written note or record of those warnings.'
16. The complainant hasn't submitted any further arguments as to why the University holds any information that would fall within the scope of the request.

### **The University's position**

17. In its internal review outcome, the University explained to the complainant the enquiries that were undertaken upon receiving their request, 'The Compliance Officer provided a copy of your request, including your definitions and sub-requests, to the directors of undergraduate studies who are responsible for the degree programmes identified by you. The Compliance Officer requested that they consult with the course leaders in each of those courses to obtain the information relevant to your requests. Following that consultation, the directors of undergraduate studies fed back to the Compliance Officer.'

### **The Commissioner's view**

18. The Commissioner is satisfied that the University made targeted enquiries, by approaching the directors of the courses in question, to ascertain whether information that fell within the scope of the request was held.
19. The Commissioner is also satisfied that with the University's response in relation to BA Hons Fine Art, 'there are no formal recorded warnings and that the warnings issued are verbal and ad-hoc...They are at the discretion of the individual members of the course team and are not prescribed.'
20. Whilst the Commissioner acknowledges the complainant's concern it appears that there is no specific trigger warning policy within BA Hons Fine Art or the University. Such trigger warnings are only issued as and when needed and will depend on the expertise of the lecturer and the circumstances. They are not prescribed which would most likely require a specific, recorded policy.
21. The Commissioner notes that the complainant has made the same request to several Universities and some have disclosed information.

However, this doesn't automatically mean that all Universities will hold the information requested.

22. The Commissioner is satisfied that, on the balance of probabilities, the University does not hold any information that falls within the scope of the complainant's request.

## 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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

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

## **Annex**

---

"Please note that I am interested in information which applies to any and or all of the following degree courses

BA Hons Creative Advertising

BA Hons Animation

BA Hons Fine Art

BA Hons Photography

BA Hons Filmmaking

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 and or historical artefacts 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 modules and or specific teaching materials and or individual works and or ideas and or writings and or artefacts and or images either contain sexually explicit and or violent content and or have the potential to cause offence because they reference and or deal with and or include issues and depictions relating to age and or disability and or death and or birth and or gender and or sexuality and or race and or religious belief and or political belief and or prejudice and or discrimination and or income and or social background.

Please note that the reference to teaching materials both above and in the questions below should be taken to mean particular novels and or particular plays and or particular poems and or particular pieces of music and or particular musicals and or particular songs and or particular recordings and or particular photographs and or particular paintings and or particular statues and or particular sculptures and or particular busts and or particular drawings and or other kind of artworks and or cartoons and or other animated works. The reference should also include examples of historical writings and historical texts and or any writings from antiquity and or sacred religious works (including but not limited to the Bible) and or religious writings and or

philosophical works and or political theories/writings. They should also include historical artefacts and or any pieces of armour or weaponry and or human remains and or any fossils and or any historical finds. They should also include cinema films (live action or animated) and or television dramas and or TV documentaries and or TV programmes (live action or animated) and or individual academic textbooks.

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

1...Are any of the above degree courses currently issuing trigger warnings and or content warnings and or content notes which cover entire degree courses and or specific modules and or specific topics and or specific seminars and or specific literary/dramatic/artistic/poetic traditions and or the work of particular authors/novelists/poets/dramatists and or particular artistic schools and traditions and or particular genres of film and or the works of particular filmmakers/artists/photographers AND OR particular issues and subjects and or particular historical time periods and or particular historic events and or particular historic figures and or particular religious figures and or particular religious works.

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) can you provide a copy of the actual warning and or note. 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 identify the degree and the module. 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...Are any of the above degree courses currently issuing trigger warnings and or content warnings and or content note (s) which apply to specific teaching materials. 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). 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 which module and degree course it relates to. 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...Since 1 February 2021 and Irrespective of whether the college routinely issues trigger warnings and or content warnings and or contents notes has the college and or staff on any of the degree courses 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.”