

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 October 2022

Public Authority: University of East London
Address: University Way
London
E16 2RD

Decision (including any steps ordered)

1. The complainant has requested information in relation to Post Qualified Professional Practice Programme at the University of East London (UEL). UEL provided information it held in response to the request and explained why some information was not held in accordance with section 1(1)(a) and (b) FOIA. The complainant was dissatisfied with some of the responses provided, providing clarification as to the information required and asking the University to carry out an internal review. The University confirmed that no further information was held within the scope of this request and considered that the clarifications provided were new requests for information and so confirmed that these would be processed as such.
2. The Commissioner's decision is that UEL does not hold any further information falling within the scope of this request under section 1(1)(a) FOIA.
3. The Commissioner does not require UEL to take any remedial steps.

Request and response

4. On 17 August 2021 the complainant wrote to UEL and requested information in the following terms:

"1. General Information in relation to Post Qualified Professional Practice Programme at UEL:

A. Please provide me with all information about Post Qualified Professional Practice Programme which was published on UEL website, including the date on which it was published and amended.

B. Please provide me with information about duration of Post Qualified Professional Practice Programme, including the start and the end date of it.

C. Please provide me with information about costs of Post Qualified Professional Practice Programme, including the costs of its development and implementation. Please mention separately the overall costs and costs for each year of implementation.

D. Please provide me with information about every item of the cost separately for each year of implementation.

E. Please provide me with all available records and internal documentation in regard to Post Qualified Professional Practice Programme, such as list of activities, annual reports etc.

2. Information in relation to students attended Post Qualified Professional Practice Programme at UEL:

A. Please provide me with information about the number of students attended Post Qualified Professional Practice Programme. Please provide the information separately for each academic year.

B. Please provide me with information about the overall number of students applied for Post Qualified Professional Practice Programme.

C. Please provide me with information about the number of students refused a place within Post Qualified Professional Practice Programme.

3. Information in relation to people involved into Post Qualified Professional Practice Programme as employees/ freelancers or in other capacity:

A. Please provide me with information about the total number of staff involved in Post Qualified Professional Practice Programme. Please make a separate statement for the staff involved in the programme as employees/ freelancers or in other capacity. This information should include type of the contractual obligation, hours of annual engagement, information about individual payment etc. for each member of the staff.

B. Please provide information about staff involvement separately for each year of Post Qualified Professional Practice Programme.

5. UEL responded on 12 January 2022 after a Decision Notice was served by the Commissioner under reference IC-138342-G0G3 ordering UEL to respond to the request. UEL provided information it held in response to the request and explained why some information was not held in accordance with section 1(1)(a) and (b) FOIA.
6. On 20 January 2022 the complainant requested an internal review as they did not accept that UEL had provided all information held falling within the scope of the request. The complainant provided clarification as to the information required.
7. On 12 April 2022 UEL provided the result of the internal review. It confirmed it had provided all information held falling within the scope of the request, explaining that it was not obliged to create information to respond to a request and confirming that new requests for information contained within the clarifications provided would be processed separately as such.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way the request for information had been handled.
9. The Commissioner's investigation has focussed on whether UEL holds any further information falling within the scope of this request under section 1(1)(a) FOIA.

Reasons for decision

Section 1

10. Section 1 (1) FOIA provides 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."
11. The Commissioner has sought to determine whether, on the balance of probabilities, UEL holds any further information falling within the scope of this request.

12. In this case UEL has provided a comprehensive response to this request providing the information it holds falling within scope. It is not obliged to create information to respond to the request if it does not hold the information in the way in which the complainant believes it should be held. Where an internal review is requested, a public authority is obliged to review its handling of the original request made, however where new requests are made when a complainant is attempting to clarify the information they require, these should be treated as new requests for information and UEL has confirmed it would process these as such.
13. Based upon the comprehensive response provided to this request, UEL's explanation as to why certain information is not held and its confirmation it will process new requests for information made within the internal review request separately, the Commissioner considers that on the balance of probabilities UEL holds no further information falling within the scope of this request under section 1(1)(a) FOIA.

Other matters

14. Whilst there is no statutory time limit for carrying out an internal review, the Commissioner considers that they should usually be completed within 20 working days and should never take longer than 40 working days. In this case, the Commissioner notes that UEL did not complete the internal review within this timeframe. He considers this to be extremely poor practice.

Right of appeal

15. 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

16. 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.
17. 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.....

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF