

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 January 2023

Public Authority: The Governing Body of Bangor University

Address: Bangor
LL57 2DG

Decision

1. The Commissioner's decision is that, on the balance of probabilities, Bangor University does not hold the requested information about trigger warnings and has complied with section 1(1) of FOIA.

Request and response

2. On 24 August 2022 the complainant requested information about use of trigger warnings in its 'Children's Fictions' course/module and any other course on children's writing.
3. Bangor University's final position was that it did not hold the requested information.

Reasons for decision

4. This reasoning is focussed on whether Bangor University ('the University') holds information within scope of the complainant's request. He has also considered the matter of the complainant's request for an internal review under 'Other Matters'.
5. Under section 1(1) of FOIA, a public authority must (a) confirm whether or not it holds the requested information and (b) communicate the information if it is held and is not exempt from disclosure.

6. In its response to the complainant the University advised that there is no requirement for staff at Departmental, School, College or University level to record information of the kind requested on any system or database. Nor is there a requirement for staff to retain any such information or to share it with their line manager(s). The University said that considerations about the use of any trigger warnings are a matter of professional judgement for the academic staff member who are responsible for the module.
7. In a submission to the Commissioner, the University confirmed that it had reconsidered the request and that it does not hold the requested information.
8. The Commissioner accepts the reasoning that the University provided to the complainant in its response to the request. He is satisfied, on the balance of probabilities, that the University does not hold information within scope of the request. The Commissioner's decision is therefore that the University complied with section 1(1) of FOIA.

Other Matters

9. Provision of an internal review is not a requirement of FOIA but it is a matter of good practice. The complainant is dissatisfied because, due to health concerns, they had not requested an internal review within the timescale the University gave. As a result, the University refused to provide a review.
10. In its response to the request, dated 13 September 2022, the University advised the complainant to request a review within two months (40 working days) if they were dissatisfied with the response.
11. The complainant overlooked the response and following a chasing email from the complainant on 19 November 2022, the University re-sent its response to the complainant on 21 November 2022.
12. The complainant requested an internal review the same day, 21 November 2022. This was, however, some 50 working days after the response had originally been sent.
13. The complainant had acknowledged to the University that they had overlooked the response when it had originally been sent, had explained their health concern, had requested a review on the same day that they finally acknowledged receiving the response and the resulting delay was not significantly over the University's 40 working day deadline. The Commissioner agrees with the complainant that, in those circumstances, it was unreasonable for the University not to provide an internal review at the time.

14. As noted, however, the University has told the Commissioner it has reconsidered the request as a result of the complaint to him. Although its position remains that it does not hold the requested information, the University says that it will now provide the complainant with the outcome of its internal review.

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: 0300 1234504

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

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