

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 a partnership with a particular company. The above public authority ("the College") denied holding any information.
2. The Commissioner's decision is that, on the balance of probabilities, the College does not hold the requested information. The College breached section 10 of FOIA as it failed to respond within 20 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 22 December 2023 the complainant requested information of the following description:

"Please supply full details of the financial arrangements between University College London (UCL) and/or University College London Hospital (UCLH) relating to the partnership agreement entered into between UCL and SonaCare Medical entered into early in May 2013 (or thereabouts) to create a HIFU Centre of Excellence.

Please provide full details of the financial arrangements in any other contracts or partnership agreements entered into since May 2013 between UCL and/or UCLH relating to physician training, clinical

studies, patient satisfaction research and/or techno development in the design, production, use and/or promotion of Sonablate 500 HIFU equipment.”

5. On 16 February 2024, the College responded. It stated that it did not have any formal partnership agreement with SonaCare.
6. The complainant requested an internal review on 16 February 2024. The College sent the outcome of its internal review on 22 March 2024. It denied holding any information – noting that any information that existed was likely to be held by University College London Hospital NHS Trust (“the Trust”) not the College.

Reasons for decision

7. Where there is a dispute of the amount of information a public authority holds, the Commissioner must decide whether it is more likely than not that further information is held than has been identified – or, as in this case, whether any is held at all. This approach is explained further in his [decision notice support materials](#).
8. The article the complainant has referred to quotes the company as having entered into a partnership with “University College London Hospital”, not the College. The hospital is operated by the Trust which, despite having an overlap of both name and staff with the College, is a separate entity.
9. The College noted that it had consulted senior staff who would be in a position to know whether a relationship between the company and the College existed. They had confirmed that no relationship with the College existed.
10. The Commissioner is not aware of any other information that indicates that the company has a relationship with the College – and certainly not the partnership referred to in the article quoted in the request. There may well be a partnership with the Trust and the Trust may well hold information about that partnership – but that does not mean that the information is held by the College.
11. The Commissioner is therefore satisfied that the College does not hold the requested information.
12. The Commissioner expresses no view in this decision about whether the Trust holds information relevant to the request. However, as the Trust is a public authority in its own right, it is open to the complainant to make a request to the Trust – if he wishes to do so.

Procedural matters

13. The College did not provide a response to the request within 20 working days. It therefore breached section 10 of FOIA.
14. The Commissioner also notes that the College's initial response did not say explicitly that no information was held – only that it had no relationship with SonaCare. Whilst it might reasonably have been inferred that this meant no information was held, it is usually helpful to provide an explicit statement of whether information is or is not held (unless an exemption allows a public authority to neither confirm nor deny holding the information).

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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
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Wilmslow
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SK9 5AF