

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 22 November 2024

**Public Authority:** Council of Queen Mary University of London  
**Address:** Mile End Road  
London  
E1 4NS

#### Decision (including any steps ordered)

---

1. The complainant has requested information about the legal cost of dealing with a protest during a specified period. The above public authority ("the public authority") denied holding any information.
2. The Commissioner's decision is that the public authority did not hold the requested information at the time of the request and therefore complied with its duty under section 1 of FOIA.
3. The Commissioner does not require further steps to be taken.

#### Request and response

---

4. On 13 May 2024, the complainant wrote to the public authority and requested information in the following terms:

"On 6th June, students and staff of QMUL were informed of legal proceedings that are being made against the university campus' encampment as a protest towards the issues occurring in Gaza and the university's response to this.

"From the start of this encampment on 13th May 2024 up until now on the 8th June 2024, what is the total legal cost the university has spent on actions against the encampment?"

"This is to include and specific highlight from this total cost: the legal action by [personal claim details redacted]."

5. The public authority responded on 4 July 2024. It stated only that it did not hold the information. It upheld this position following an internal review but no further explanation as to why the information was not held was offered.

## Reasons for decision

---

6. Section 1 of FOIA gives a person the right to request information held, by a public authority, in recorded form. The public authority must confirm whether it holds the information that has been requested and, if does, communicate that information to the requester – unless an exemption applies.
7. In its submission to the Commissioner, the public authority explained that, whilst it had sought external legal assistance to help deal with the protest, it had not received any invoices nor paid out any money during the time period specified in the request. Consequently it did not (and could not) hold any information.
8. The public authority had consulted its Director of Governance and its Legal Counsel who had both confirmed that that position was correct. Consequently it had not carried out any further searches.
9. Given the date range specified in the request, the timing of the request and the lack of evidence to the contrary, the Commissioner accepts the public authority's assertion that it had not paid out any money during the period covered by the request. The public authority may have paid money **since** the request was received (its submission was silent on that point), but this information would not be within scope.
10. Consequently the public authority complied with section 1(1)(a) of FOIA, as it correctly confirmed that it did not hold any information within the scope of the request.

## Other Matters

---

11. The Commissioner recognises that, where a public authority does not hold a particular piece of information that has been requested, FOIA requires only that the requester be informed of that fact.
12. Whilst there is no legislative requirement to explain why particular information is not held, the Commissioner still considers it good practice for public authorities to do so, wherever possible. Not only is this good practice, it is also good sense. A reasonable requester is much less likely to pursue their request if they understand why the information is not held.
13. In this scenario, there was a clear, rational and simple explanation as to why the public authority did not hold the information that had been requested. Had the public authority provided that explanation at the same time as issuing its response, the requester may well not have sought an internal review, let alone complained to the Commissioner.
14. Not only does the Commissioner consider that it was extremely poor practice for the public authority not to have provided this explanation alongside its response, but its failure to do so has most likely wasted both its and his, finite resources.

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

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**