

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

**Date: 7 February 2011**

**Public Authority:** The University of Salford  
**Address:** 43 Crescent  
Salford  
M5 4WT

### Summary

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The complainant made a series of requests for information to the University of Salford, via the 'WhatDoTheyKnow.com' website. These were refused by the university as vexatious, under the provisions of section 14(1) of the Freedom of Information Act. The Commissioner has examined the public authority's reasons for refusing the requests and finds that the public authority incorrectly applied section 14(1) to the requests. He requires the public authority to respond to the requests in accordance with the provisions of section 1 of the Act, within 35 calendar days.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### Background

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2. Between the end of October 2009 and early February 2010 the university received slightly over 100 requests for information, submitted by 13 individuals, all but three of which were submitted via the *WhatDoTheyKnow.com* website. This constituted a significant increase in the number and rate of receipt of requests. The university explains that, for comparison, during the whole of 2008, it received 117 requests, submitted by 78 different requesters (none of whom had submitted

more than 3 requests in the year) and that, during the rest of 2009, it had received a total of 78 requests. Prior to this sudden increase in requests, the university had not received any requests via *WhatDoTheyKnow.com* or any other FOI website and it argues that this, in itself, suggests a level of collusion among the requesters.

3. The requests originated from a comparatively small number of individuals who, the university believed, had connections to a former staff member who had recently been dismissed by it. The public authority considered this to be a concerted attempt to disrupt its activities by a group of activists undertaking a campaign.

## The Requests

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4. The complainant submitted four requests for information, between 16 November 2009 and 4 January 2010, which are the subject of a complaint to the Information Commissioner's Office. They were all refused on the same basis by the public authority and the complainant was given a separate case reference for each request in the complaint. The requests are listed in Annex 2 to this Decision Notice.
5. The request considered under complaint reference FS50288812<sup>1</sup> was submitted on 16 November 2009 and refused on 14 December 2009 under section 14(1) of the Act, on the grounds that it is vexatious. The complainant requested an internal review on 14 December 2009. The internal review upheld the refusal of the request as vexatious on 7 April 2010.
6. The request considered under complaint reference FS50294656<sup>2</sup> was submitted on 28 November 2009 and refused on 2 February 2010 on the grounds that it is vexatious, under section 14(1) of the Act. The complainant did not request an internal review as, by this time, his complaint to the Commissioner about case reference FS50288812 was already submitted and made reference to this request.

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<sup>1</sup> See

[http://www.whatdotheyknow.com/request/former\\_personal\\_assistant\\_to\\_the#comment-11539](http://www.whatdotheyknow.com/request/former_personal_assistant_to_the#comment-11539)

<sup>2</sup> See [http://www.whatdotheyknow.com/request/full\\_details\\_of\\_other\\_operating#comment-11265](http://www.whatdotheyknow.com/request/full_details_of_other_operating#comment-11265)

7. The request considered under complaint reference FS50294659<sup>3</sup> was submitted on 4 December 2009 and refused on 2 February 2010 on the grounds that it is vexatious, under section 14(1) of the Act. The complainant did not request an internal review, for the reason given above.
8. The request considered under complaint reference FS50294660<sup>4</sup> was submitted on 4 January 2010 and refused on 2 February 2010 on the grounds that it was vexatious, under section 14(1) of the Act. The complainant did not request an internal review.
9. The university confirms that its internal review outcome of 7 April 2010 applies to all four requests. The complaint to the Commissioner was submitted in respect of all four requests, on 15 January 2010.
10. All four requests were refused on the same basis by the public authority. Its arguments are understood to apply equally to each of the requests. The complainant submitted his complaint making reference to all four requests and the Commissioner has found the same outcome for each of them. He has therefore decided to issue one Decision Notice which applies equally to all the requests which are mentioned in the complaint.

## The Investigation

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### Scope of the case

11. On 15 January 2010 the complainant contacted the Commissioner to complain about the way his requests for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
  - The university had rejected one of the requests and had failed to respond to three of his requests.

[The Commissioner observes that the university's response to his fourth request was, at the time he made his complaint, not yet overdue and that subsequently the university did provide a response to it within 20 working days].

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<sup>3</sup> See

[http://www.whatdotheyknow.com/request/current\\_emoluments\\_of\\_the\\_vice\\_c#outgoing-51973](http://www.whatdotheyknow.com/request/current_emoluments_of_the_vice_c#outgoing-51973)

<sup>4</sup> See

[http://www.whatdotheyknow.com/request/number\\_of\\_academic\\_staff\\_on\\_part#incoming-68756](http://www.whatdotheyknow.com/request/number_of_academic_staff_on_part#incoming-68756)

12. Subsequently, he contacted the Commissioner again and it was established that he wished to complain that the requests had been refused as vexatious, under section 14(1) of the Act.
13. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.

## **Chronology**

14. On 17 May 2010 the Commissioner wrote to the public authority to ask for its detailed arguments in support of its decision to refuse the requests as vexatious.
15. The Commissioner also wrote to the complainant on 17 May 2010, to confirm that the scope of the case would be to examine the university's refusal of his various complaints under section 14(1) of the Act. This was agreed by the complainant on the same day.
16. The Commissioner wrote again to the complainant on 25 June 2010 to set out the tests which are normally applied when considering whether a request is vexatious, summarising the university's general arguments and inviting him to respond. The complainant's response, also received the same day, indicated his belief that there was no evidence of the collusion suggested by the university and stating his belief that his requests had a serious purpose, either in examining the university's expenditure, examining the question of value for money given to students, or in pursuing matters originally brought to his attention in his capacity as editor of a student newspaper.
17. The public authority responded, at intervals, between June and October 2010, with arguments and supporting evidence for its position.

## **Analysis**

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### **Substantive Procedural Matters**

#### **Section 14**

18. The Commissioner will consider the context and history of the request as well as the strengths and weaknesses of both parties' arguments in relation to some or all of the following five factors to reach a reasoned conclusion as to whether a reasonable public authority could refuse to comply with the request on the grounds that it is vexatious:

- whether compliance would create a significant burden in terms of expense and distraction;
- whether the request is designed to cause disruption or annoyance;
- whether the request has the effect of harassing the public authority or its staff;
- whether the request can otherwise fairly be characterised as obsessive or manifestly unreasonable;
- whether the request has any serious purpose or value.

## **Context and history**

19. This complaint is unusual in that the public authority has elected to refuse the requests not in isolation, but in the wider context of a substantial number of freedom of information (FOI) requests received during the material time and which it believes are associated with each other to varying degrees.
20. The associations derive not only from the timing, in which a small number of individuals have submitted a volume of requests roughly equivalent to a year's-worth of requests, during a period of about three months (approximately two-thirds of which were submitted within a seven week period from November to mid-December), but also due to some significant similarities in the information requested.
21. The requests are argued by the university to exhibit characteristics which connect them to an individual who had been suspended from his post-graduate staff position in May 2009 on disciplinary grounds and subsequently dismissed in August 2009, upheld at appeal in September 2009. It believes that the timing and content of the requests strongly suggests that the requesters have been acting in pursuit of a continuing campaign, possibly orchestrated by, or on behalf of, the dismissed individual, in order to disrupt the workings of the university.
22. The university explains that the complainant is a known associate of this individual, and who had assisted the individual during parts of his disciplinary proceedings. The complainant acknowledges this association, but asserts that he has no strong connection with this individual.
23. The Commissioner recognises that there is nothing in the Act which prevents the aggregation of requests from disparate sources for the purposes of section 14 of the Act, and he is mindful that section 12 of the Act makes specific provision for just such a process for the consideration of costs, where two or more requests have been made by different persons who appear to the public authority to be acting in

concert, or in pursuance of a campaign. The university has argued that a similar provision ought to apply in the circumstances of these requests, as to do otherwise would permit individuals to circumvent legitimate refusals of vexatious requests by submitting them, or appearing to submit them, via another person. The Commissioner has also noted the approach taken in a number of cases related to Forestry Commission Scotland<sup>5</sup>. In these cases he accepted that a number of applicants were acting together, in pursuance of a campaign and this was a relevant consideration as to whether the requests were vexatious.

24. In the case of a refusal under section 12 (costs) as a result of the aggregation of multiple requests, it is for the public authority to show that the refused requests are connected and the Commissioner will consider the matter on the merits of the case. Accordingly, he has sought the public authority's arguments for its belief that the requests under consideration have been submitted by persons who are acting in concert, or in pursuance of a campaign.
25. The university has not been able to demonstrate indisputable links between all the parties whose requests have been refused. It has, however, demonstrated to the Commissioner's satisfaction that a significant number of the requests are related to topics raised by the dismissed individual, either overtly or via anonymous blogs and posts, including a series of what the university considers to be scurrilous newsletters, highly critical of the university's senior staff, titled '*The Vice Consul's Newsletters*' which were created and in circulation at the university at the time of the requests. The '*Vice Consul's Newsletters*' have been linked conclusively to that individual and were a factor in his dismissal. The dismissed individual has also authored a blog website, '*Vagrants in the Casual Ward of a Workhouse*' which continues to campaign about related matters, contains criticism of the university and makes reference to the FOI requests.
26. A different anonymous blog, '*The ratcatchers of the sewers*' adopts a similar tone and is also directed against the University of Salford, making similar arguments and accusations. The university contends that there is a connection to the dismissed individual, but it has not been conclusively linked to him in the university's submissions to the Commissioner. He notes, however, that the blog publishes an email from the complainant who is therefore aware of its contents and has contributed to it. The blog also confirms that several of the FOI requests were submitted by its members and encourages its readers to continue the practice.

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<sup>5</sup> FS50176016, FS50176942, FS50187763, FS50190235

27. The question for the Commissioner is then: whether the apparent links between the requests, various blogs, and the parties making the requests can be considered as part of a deliberate campaign, and that the individual requesters are acting in concert or whether, even if the requests are linked to the topics on the blogs, they have been prompted by the matters raised on the blogs and elsewhere but the requester is asking them for his own reasons and not to any collective agenda. This does not need to be proved indisputably, but on a balance of probabilities. A third possibility also arises, in that it could have been the intention of the blog posters to stimulate a series of FOI requests on topics of their choosing and, in doing so, their readers have unwittingly carried out their wishes without any deliberate, vexatious intent.
28. In the case of the four requests submitted by the complainant, despite his evident links to the dismissed individual, the Commissioner has not found any conclusive evidence to suggest that these specific requests were submitted as part of any collective campaign. The university's evidence, though considerable, is largely circumstantial. Consequently, he has gone on to consider the five tests described at the head of this section in more detail. The university has not made any specific arguments in respect of the complainant's requests, its arguments are intended to apply to the body of requests as a whole. The Commissioner has therefore considered its general arguments in the context of the complainant's requests.

**Would compliance create a significant burden in terms of expense and distraction?**

29. The Commissioner is mindful that the requests were refused collectively, and he is in no doubt that the receipt of a year's-worth of requests compressed into three months, many of the requests being lengthy and complex, would create a significant burden in terms of expense and distraction for any public authority. Readers are directed, for example, to the Commissioner's Decision Notice in case reference FS50306518 which also relate to complaints about the same public authority, from another party who submitted requests which have been similarly refused.
30. With specific reference to the complainant's four requests, arguably an objective reading of the second, submitted on 28 November 2009, might appear sufficiently wide-ranging as to prompt a careful estimation of the possible costs for compliance under section 12 of the Act, but none of the other three requests, taken in isolation or grouped together, could reasonably be considered burdensome.



### **Are the requests designed to cause disruption or annoyance?**

31. With the possible exception of the second request, none of the requests is particularly complex or demanding (albeit the Commissioner is of the view that some of the requested information might be exempt from disclosure under one or other of the exemptions provided at part II of the Act).
32. The first request is clearly intended to explore a contentious issue within the university and might be expected to cause some annoyance to any recipient expected to deal with it. However any such annoyance is likely to be caused by the pursuit of a possibly sensitive subject, not annoyance at the receipt of the request, itself. The Commissioner wishes to make a clear distinction between any annoyance or distress caused by the prospect of disclosure of embarrassing, damaging or controversial information, and annoyance or distress caused by receipt of a vexatious request.
33. The complainant, for his part, explains that the subject was brought to his notice during his period as the news editor of a student newspaper and his enquiries to the university had been formally rebuffed by the university's lawyers at the time. The complainant is therefore aware that the context of the requested information is controversial, and the request would be likely to cause annoyance to the recipient. However, as has been mentioned above, there is a distinction between annoyance caused by the possible disclosure of controversial information, and annoyance caused by receipt of a deliberately vexatious request. Applicants are entitled to make controversial requests, or request information which they might reasonably expect would cause annoyance or disruption. This would only be relevant to any consideration of vexatiousness if a primary purpose of making the request was judged to be the causing of disruption or annoyance. This also relates to the 'serious purpose' argument, below.
34. The Commissioner finds no conclusive evidence that the requests are designed to cause any such disruption or annoyance.

### **Do the requests have the effect of harassing the public authority or its staff?**

35. The university argues that the overall number of requests it received in the period had the effect of harassing it and its staff, and the Commissioner accepts the point for reasons which have been explained in the 'context and history' analysis above. Given the evident burden caused by the surge in the number and rate of requests, the



Commissioner accepts that the university's staff would have felt harassed by their receipt, irrespective of the contents.

36. If he were satisfied that the complainant's requests had been knowingly and deliberately submitted in the context of any alleged campaign, the Commissioner would therefore conclude that the complainant's requests did have the effect of harassing the public authority or its staff. The university, however, has made no specific arguments in relation to the complainant's requests beyond its contention that he is actively involved in the campaign and his requests had the effect of harassing the public authority and its staff by that association.
37. The Commissioner notes, however, that in contrast to some of the other parties' requests, the complainant's requests are comparatively evenly-spaced during the period in question (albeit four requests in a six-week period including Christmas and New Year is evidently above the norm for the university's FOI department), and do not pursue matters which are clearly related to other disputed requests. The Commissioner also notes that the complainant had submitted at least one previous request for information prior to those under consideration here (not made via any FOI website and pre-dating the numerous requests which comprise the larger issue), and which had been dealt with by the university without the use of section 14 of the Act. He therefore has some history of making use of the Act, prior to the sequence of events which gave rise to the university's block refusal of requests.
38. Clearly if a party makes an FOI request to a public authority which becomes 'caught-up' in a situation caused by unrelated requests, it would be unfair for his request to be treated as vexatious simply based on an accident of timing. In this case, the complainant is not completely divorced from the scenario proposed by the university due to his evident links to the dismissed person, his active participation in student politics and his engagement with the university via various channels including regular (sometimes critical) responses to the Vice-Chancellor's official blog on the university's website.
39. As a result the complainant's requests have been viewed with some suspicion by the university, however the Commissioner is not satisfied that his four requests, taken in isolation, would have the effect of harassing the university or its staff, and he is not satisfied that there is sufficient evidence to show that the requests should not be taken in isolation. When considered outside the context of the putative 'campaign' he does not find that the requests would have the effect of harassing the public authority or its staff.

**Can the requests otherwise fairly be characterised as obsessive or manifestly unreasonable?**

40. All the requests in these complaints have been submitted via the *WhatDoTheyKnow.com* website. This has one evident and important consequence in that the requests, and the responses of the public authority, are visible to all, and the website has the facility to sort requests by requester, or by public authority. It is therefore reasonable to assume that any person making a request to the University of Salford via this website at this time would have been aware of the other requests being submitted to the university at around the same time. It is also reasonable to assume that the complainant would be aware of the volume of requests being submitted due to his involvement in student activist matters and his following of the various blogs described above.
41. While a requester is not expected to know the extent of a public authority's resources given over to FOI matters, and cannot be expected to assess whether the current volume of requests is significant in terms of its overall FOI workload, by the time of his fourth request the complainant was already aware that his first request had been refused as vexatious. He has also annotated various requests to the same public authority by other parties, including annotations prior to the date of his fourth request, and he cannot have been unaware of the growing furore on the *WhatDoTheyKnow.com* site over the university's refusal of numerous requests on similar grounds.
42. The Commissioner has therefore considered whether it ought to have occurred to a reasonable person to exercise some discretion in the circumstances and either, refrain from submitting a further request at the time. He considers, however, that in the specific circumstances, the complainant could have shown a greater level of awareness of what impact the requests may be having in combination with others on the WDTK site. The Commissioner thinks this is relevant for the fourth request in particular and considers there is some merit that weight should be given to the suggestion that the requests displayed some elements of becoming obsessive and manifestly unreasonable.

**Do the requests have any serious purpose or value?**

43. One characteristic of a vexatious request may be that it seeks to prolong or reopen a matter which has previously been dealt with, or otherwise lacks any intrinsic merit. Conversely, even if a request were to fulfil the four criteria considered above, if it nevertheless had a serious purpose, that might be sufficient to prevent it from being considered vexatious. This has been considered by the Information Tribunal in the case of

*Coggins and the Information Commissioner* (EA/2007/0130)<sup>6</sup> at paragraph 20:

*"[...] the Tribunal could imagine circumstances in which a request might be said to create a significant burden and indeed have the effect of harassing the public authority and yet, given its serious and proper purpose ought not to be deemed as vexatious."*

This factor is therefore considered to be the principal element which a complainant may employ in mitigation of his position.

44. The complainant has explained that he ran for the office of President of the Student's Union, and also acted as news editor for the student newspaper. He has a reasonable interest in the material requested, either on grounds of establishing value in examining a substantial sum accounted for simply as 'expenses' in the university's published accounts; examining the extent to which students are taught by inexperienced part-time postgraduate staff rather than full-time academics; and in what he describes as *"the unjustifiably high wages for senior managers which are not linked to performance"*. The first request was in further pursuit of a story which had been brought to him in his time as editor of the student newspaper.
45. The Commissioner therefore agrees that the complainant has satisfactorily demonstrated a serious purpose behind his requests.

## **Conclusions**

46. The Commissioner is aware of the significant criticism which has been directed at the university as a result of its decision to impose what has been seen as a 'blanket' refusal of requests as vexatious. Some of that criticism originates with the same individuals whose complaints have been refused and some has been picked up and disseminated on the blog websites mentioned above. The Commissioner therefore recognizes a further possibility: that a requester might deliberately submit a request which he believes will be refused under section 14 of the Act, in order to add to the body of criticism which may be directed at the public authority.
47. The university, for its part, has explained that its FOI department became 'overwhelmed' by the number and complexity of requests it was receiving at the time. Given that there is a statutory obligation to respond to a request within 20 working days, the Commissioner

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<sup>6</sup> Available online at <http://www.informationtribunal.gov.uk/DBFiles/Decision/i119/Coggins.pdf>

acknowledges the pressure the sudden influx of requests would have placed the university's FOI staff under.

48. The Commissioner would draw comparisons with a tactic employed on the internet, known as a denial of service attack<sup>7</sup> whereby a target is 'bombed' with numerous enquiries or demands for service which overwhelms its capacity to respond and effectively prevents its normal operation. The Commissioner also observes that, during this time the university's FOI department would also have been required to deal with its normal level of FOI business.
49. Consequently, he therefore agrees that the number and frequency of the requests received via the *WhatDoTheyKnow.com* website, exacerbated in some cases by the complexity of several requests, would have the effect of harassing the university or its staff. The Commissioner is also mindful, however, of the need to ensure that the university's 'normal' FOI business does not inadvertently become enmeshed in the controversy.
50. For that reason, he has considered the complainant's requests in the context of both the 'surge' in requests via the *WhatDoTheyKnow.com* website, and also in isolation on their own merits.
51. He has been presented by the university with a significant body of evidence to suggest that at least some parties were deliberately undertaking a course of action whose intent was analogous to a 'denial of service attack' and the complainant has clear and acknowledged links to parties who have significant grievances against the public authority.
52. Nevertheless, the Commissioner is not persuaded that the university has shown that complainant's four requests, considered in the round, have sufficiently met the criteria to be classed as vexatious. Balancing the five tests described in the analysis section, above, all four requests are considered broadly equal in respect of four of the tests and only one request (the fourth) exhibited characteristics of being 'manifestly unreasonable'. That, in itself, would not be sufficient, in the Commissioner's view, to tip the balance in favour of permitting that request to be characterised as vexatious. The remaining three requests cannot be characterised as manifestly unreasonable and the Commissioner does not consider that the combined outcome of the other four tests is sufficient to permit the requests to be characterised as vexatious. The matter is comparatively finely balanced, the overriding factors in the complainant's favour being the lack of clear evidence of

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<sup>7</sup> Explained at [http://en.wikipedia.org/wiki/Denial-of-service\\_attack](http://en.wikipedia.org/wiki/Denial-of-service_attack)

intent to cause disruption, combined with the last test, that his requests are considered to have serious purpose and value.

## **Procedural Requirements**

### **Section 10**

53. The public authority, in failing to comply with section 1 of the Act within 20 working days, has breached section 10 of the Act.

## **The Decision**

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54. The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the Act.

- The public authority incorrectly applied section 14(1) of the Act to the complainant's four requests for information.
- By its failure to comply with section 1 of the Act within 20 working days, the public authority breached section 10(1) of the Act.
- In relation to the complainant's second and third requests: by its failure to provide the complainant with a refusal notice which stated that it was relying on a claim that section 14 applied within 20 working days, the public authority breached section 17(5) of the Act.

## **Steps Required**

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55. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:

- The public authority must provide the complainant with a response to his requests which complies with the requirements of section 1 of the Act.

## **Failure to comply**

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56. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court

Reference: FS50288812; FS50294656; FS50294659;  
FS50294660



(or the Court of Session in Scotland) pursuant to section 54 of the Act  
and may be dealt with as a contempt of court.

## Right of Appeal

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57. 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,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

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.

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Dated the 7<sup>th</sup> day of February 2011**

**Signed .....**

**Steve Wood  
Head of Policy Delivery  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**



## Legal Annex

### General Right of Access

#### **Section 1(1) 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."

#### **Section 1(2) provides that -**

"Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14."

#### **Section 1(3) provides that –**

"Where a public authority –

- (a) reasonably requires further information in order to identify and locate the information requested, and
- (b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information."

#### **Section 1(4) provides that –**

"The information –

- (a) in respect of which the applicant is to be informed under subsection (1)(a), or
- (b) which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request."

**Section 1(5) provides that –**

“A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).”

**Section 1(6) provides that –**

“In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.

**Time for Compliance**

**Section 10(1) provides that –**

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

**Section 10(2) provides that –**

“Where the authority has given a fees notice to the applicant and the fee paid is in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt.”

**Section 10(3) provides that –**

“If, and to the extent that –

(c) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or

(d) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given.”

**Section 10(4) provides that –**

“The Secretary of State may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later

than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with the regulations."

**Section 10(5) provides that –**

"Regulations under subsection (4) may –

- (e) prescribe different days in relation to different cases, and
- (f) confer a discretion on the Commissioner."

**Section 10(6) provides that –**

"In this section –

"the date of receipt" means –

- (g) the day on which the public authority receives the request for information, or
- (h) if later, the day on which it receives the information referred to in section 1(3);

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

## **Vexatious or Repeated Requests**

**Section 14(1) provides that –**

"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious"

**Section 14(2) provides that –**

"Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with a previous request and the making of the current request."

## **Annex 2 The requests for information submitted by the complainant**

### **FS50288812: Request dated 16 November 2009**

*"I should like to enquire on the following details for termination of employment of a [named individual], former [job description and details of second named individual]:*

- 1) Please indicate when [their] employment was terminated.*
- 2) Please indicate if there was a financial 'pay-off' associated with [their] departure. If so, please indicate the quantity of money involved in the financial transaction and please also indicate who authorised the expenditure. Please also indicate where, in the Annual Accounts Report, this expenditure is declared.*
- 3) Please indicate if [named individual] signed or was asked to sign any kind of 'gagging order' upon [their] departure from the University of Salford. If so, please indicate why this was deemed necessary."*

### **FS50294656: Request dated 28 November 2009**

*"I make reference to Page 28, Sub-Heading 7. of the Annual Accounts Report 2008. I should like to be provided with all details of the transactions incorporated into the following subheadings:*

- 1) Fees and invoiced staff*
- 2) Staff Expenses*
- 3) Student Expenses*
- 4) Marketing*
- 5) Vehicle and transport costs*
- 6) Consumables*
- 7) Equipment and Furniture*
- 8) Fees and Expenses*
- 9) Catering*
- 10) Household expenses*
- 11) Subsidiary Company Expenditure"*

### **FS50294659: Request dated 4 December 2009**

*"I should like to be provided with the full details of the emoluments for the present Vice Chancellor, Professor Martin Hall, and the Deputy-Vice Chancellor, Registrar & Secretary to Council, Dr Adrian Graves."*

**FS50294660: Request dated 4 January 2010**

*"Could you please provide the statistics which illustrate the number of academic staff that work within the University of Salford who are serving part-time contracts.*

*Could you also, if possible, please indicate how many staff comprising this statistic reside in each of the University's schools."*