

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 October 2013

Public Authority: The Governing Body of London South Bank University

Address: 103, Borough Road
London
SE1 0AA

Decision (including any steps ordered)

1. The complainant requested information about equipment and technicians at the London South Bank University (the University).
2. The Commissioner's decision is that the public authority did not deal with the request in accordance with the FOIA. This is because the public authority provided its response outside the statutory 20 working days and it has therefore breached section 10(1) of the FOIA.
3. As the requested information has been provided, the Commissioner does not require any steps to be taken.

Request and response

4. On 25 April 2013, the complainant wrote to the University and requested the following information:
 - '1. The ratio of hourly laser cutting appointments to architectural and technology student on a monthly basis.*
 - 2. The ratio of dedicated architecture school technicians to architecture students*
 - 3. The type and amount of model making materials purchased by the architecture department for the use of architecture students this academic year .*

4. The number of PCs available for student use on campus and the total number of students enrolled this year.

5. The number of dedicated ESBE student computers on campus (Computer for the exclusive use of ESBE students only)

6. Your figures on student software costs and model making costs.

7. The number of career development loans sanctioned by the university last academic year.'

5. On 28 April 2013 the request was forwarded to the department dealing with FOIA requests. On 1 May 2013 the University responded and refused the request as *'the FOIA does not apply'*.
6. On 22 May 2013 the University advised that the request was being dealt with under FOIA and requested clarification on 23 May 2013. This was answered on the same day.
7. On 31 May 2013 the University Review Panel released information in answer to each of the seven requests and did not cite any exemptions to refuse to provide any information.

Scope of the case

8. On 11 July 2013 the complainant contacted the Commissioner to complain about the information provided by the University. His complaint focussed on issues surrounding the quality and accuracy of the information provided and did not refer to any information being withheld or not provided.
9. The Commissioner wrote to the complainant on 10 September 2013 to explain that the quality or the accuracy of the information provided by the University is not an issue for the Commissioner. He explained to the complainant that if he disputed the amount of information located and provided by the public authority then he should indicate what information he considered to be held that has not been provided to him. It appeared to the Commissioner that the University had provided a full answer to each of the seven requests. The complainant responded but the issues he raised still related to matters outside the Commissioner's remit.
10. The Commissioner therefore advised the complainant that if he wished the matter to proceed to a decision notice this would solely be about the time taken for the university to respond to the request. The complainant confirmed he required a decision notice.

Reasons for decision

11. Section 10 of the FOIA provides that a public authority should respond to a request for information within 20 working days. The Commissioner has found a breach in this case because the public authority did not respond within 20 working days.

Right of appeal

12. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

13. 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.
14. 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

Pamela Clements
Group Manager, Complaints Resolution
Information Commissioner's Office
Wycliffe House
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Cheshire
SK9 5AF