

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 August 2015

Public Authority: Student Loan Company

Address: Legal Executive
Student Loans Company Limited
100 Bothwell Street
Glasgow
G2 7JD

Decision (including any steps ordered)

1. The complainant has made several separate information requests to the Student Loans Company (SLC). These related to customer advisor salary information by skill set and the procedure the SLC follows when receiving FOI requests and its security processes. The complainant feels that the SLC has not responded promptly to his three requests.
2. The Commissioner finds that SLC responded to one of the requests on the 21st working day, and therefore did not meet the requirements of section 10(1) of the Act. However, he has also found that it did meet the requirements of section 10 when handling the other two requests in question.
3. The Commissioner requires no further steps to be taken.

Request and response

4. The complainant wrote to the SLC on three separate occasions. Below are the three requests:

First request

5. Dated 16 March 2014 the complainant requested:

(i)(Group 1) Number of advisors trained only in student Finance England/Student Finance Northern Ireland and Student Awards Agency Scotland.

(ii) (Group 1) Number of advisors in each paystep and their respective paysteps trained only in Student Finance England/Student Finance Northern Ireland and student Awards Agency Scotland.

(iii) (Group 2) Number of advisors trained only in Income Contingency Repayment.

(iv) (group 2) Number of advisors inn each paystep and their respective paysteps trained only in Income Contingency Repayment.

(v) (Group 3) Number of Advisors trained in Student Finance England/Student Finance Northern Ireland/Student Awards Agency Scotland and Income Contingency Repayment.

(vi) (Group 3) Number of Advisors in each paystep and their respective paysteps trained in Student Finance England/Student Finance Northern Ireland/student Awards Agency Scotland and Income Contingency Repayment.

(vii) Company policy to skill group 1 and 2 to group 3.

6. On 14 April 2014 SLC confirmed it held the information falling with requests (i) to (vi) and that it was applying s40 (2) of the FOIA. In relation to request (viii) it provided the requested information.

Second request

7. On 17 October 2014 the complainant made another request. He felt the information he had received on the 14 April 2014 was not appropriate so he made a more specific request for the following information:

(a) Could you please provide a breakdown of the present number of Advisers based in the Glasgow contact centre in the following groups:

(b) Group 1 – Advisors who can field both ICR (repayment) and SFE (Student Finance England) calls.

(c) Group 2 – Advisors who can field ICR calls but who cannot field SFE calls.

(d) Group 3 – Advisors who can field SFE calls but who cannot field ICR call.

(e) Please could you exclude any advisor either in the collections department or who is not currently in the role of fielding calls.

(f) Could you also provide the number of advisers in group 1 in each paystep and their respective paysteps.

(g) Could you also provide the number of advisers in group 2 in each paystep and their respective paysteps.

(h) Could you also provide the number of advisers in group 3 in each paystep and their respective paysteps.

8. On the 13 November 2014 the SLC responded applying s.14 (1) vexatious under the FOIA.
9. On 7 January 2015 the complainant asked for an internal review.
10. The SLC responded on 5 February 2015 it maintained its previous decision.

Third request

11. On 1 November 2014 the complainant wrote to SLC and requested the following information:
 - (i) I wish to request the procedure that you following when receiving a Freedom of Information Request.*
 - (ii) In particular, I would like to request what security processes your following with regard to anonymise the requester's personal data.*
12. The SLC responded on 26 November 2014. It stated that it held the information, however the information was exempt under s21 (1) of the FOIA.
13. Following an internal review the SLC wrote to the complainant on 2 February 2015. It maintained its previous decision.

Scope of the case

14. The complainant contacted the Commissioner on 10 February 2015 to complain about the way his requests for information had been handled.
15. He complained that the SLC responses to his requests and his two internal reviews had not been prompt and therefore that SLC had breached section 10 of the Act.

Reasons for decision

Section 10 – Time for compliance

16. Section 10(1) of FOIA state that:

"Subject to subsection (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."

17. The complainant made three separate requests for information on 16 March 2014, 17 October 2014 and 1 November 2014. These were responded to on 14 April 2014, 13 November 2014 and 26 November 2014 respectively.

18. In relation to all the requests set out the complainant has argued that the SLC has used the maximum amount of days to respond back to each of his 3 requests. He feels that the SLC could have responded sooner to his requests and his 2 internal reviews.

19. The SLC explained that although it was not able to deal as timeously as it would have liked due to the complexity and amount of requests the complainant made, it feels that the complainant was regularly up dated on the progress of his cases.

20. The SLC further explained that although some of the responses were responded to on or close to the maximum period, this was due to the process in place in relation to the handling of FOI requests. It explained that where the response to FOI requests necessitates input from other departments within SLC, as was the case with the complainant requests, the internal process grants 10 working days to such departments to respond to the FOI office within the SLC. The time scale was implemented to allow continuation and fulfilment of business- as- usual tasks while additional items of work, such as FOI requests are completed.

21. It has also explained that it was going through considerable change within its Legal and Compliance Department when the complainant made his requests. At this point in time there was only one person dealing with FOIA requests whilst subjected to other job role demands.

Conclusion

22. The Commissioner has noted the complainant's arguments about the timeliness of the SLC's responses, and has noted that the SLC did not respond to the first request until the 21st working day. However, in relation to the other requests, having considered the arguments presented by SLC to explain why it was unable to respond sooner the Commissioner is satisfied that the SLC responded to the requests promptly (and within 20 working days).
23. The Commissioner therefore finds that the SLC did not meet the requirements of section 10(1) in relation to the first request. However, he does not uphold the complaint in relation to the timeliness of the SLC's responses to the other two requests.

Other Matters

24. With regards to the two internal review requests the FOIA does not specify a time frame for carrying out an internal review. This means that there is no a statutory time frame that must be adhered to with respect to the completion of an internal review. However, in the section 35 Code of Practice the Commissioner advises that a public authority should carry out a review within 20 working days and in any event no later than 40 working days.
25. The complainant states he was given advice from the SLC that it would aim to respond to his internal reviews within 20 working days and if there was an issue with complying then the SLC would contact him within the 20 working days with an update.
26. The Commissioner appreciates that one of the internal reviews took 43 days, and he takes this opportunity to remind the SLC of the need to aim to respond to all internal reviews no later than 40 working days.

Right of appeal

27. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

28. 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.
29. 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

Rachael Cragg
Group Manager
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Wycliffe House
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Wilmslow
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SK9 5AF