

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 October 2018

Public Authority: Edge Hill University
Address: St Helens Road
Ormskirk
Lancashire
L39 4QP

Decision (including any steps ordered)

1. The complainant has requested information about application for readerships at Edge Hill University over the last six years. The University disclosed some information to the complainant but considered it could not comply with the remaining parts of the request – information on research funding, research-based articles and supervision – without exceeding the appropriate cost limit under section 12 of the FOIA.
2. The Commissioner's decision is that the University is not obliged to comply with the request under section 12(1). However, she finds the University breached section 16 of the FOIA by failing to provide advice and assistance to the complainant to refine the request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide advice and assistance to the complainant to assist them in refining their request where it is possible to do so.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 7 November 2017, the complainant wrote to Edge Hill University for information on applications for Readerships over the last six years to the University in the following terms:

Readerships Awarded :							
Female applicants		male applicants		Mean no of scholarly, research-based, articles in learned refereed journals, of which:		Mean research Funding awarded (Frascati definition)	Mean no of research students supervised
Number Successful	Number rejected	Number Successful	Number rejected	Mean no of monographs in publications	Mean no of other scholarly, research-based, articles		

6. The University responded on 27 November and stated the information was not held in an accessible format.
7. Following an internal review, the University responded with the outcome on 5 January 2018. The internal review explained that further discussions took place with relevant departments and it was also established that the primary source of research output information was CVs and this information was not collated so the questions on numbers of scholarly, research-based, articles in journals could not be accurately answered.
8. The University accepted it was able to provide the number of successful and rejected applicants by gender and disclosed this information. However, it maintained the mean number of scholarly articles, along with the mean research funding awarded and the mean number of research students supervised was not information held in an accessible format.

Scope of the case

9. The complainant contacted the Commissioner on 28 February 2018 to complain about the way his request for information had been handled.
10. The complainant had two main grounds for complaint:
- That the information requested related directly to the criteria used to appoint readers and therefore it would be considered during the process of appointment. Submissions provided by applicants are

requested to justify their appointment according to these criteria and external referees are explicitly asked to comment on these criteria.

- The information from the internal review revealed that only 45 successful candidates had been appointed as readers over the time period. As the numbers are relatively small it would be unreasonable to state it would take more than 24 staff hours to review 45 CVs and submissions to determine the information requested.
11. Following the complainant's points of appeal the Commissioner wrote to the University to firstly determine if the remaining information was held and, if so, whether to locate and extract the information would exceed the cost limit as set out under section 12 of the FOIA.
 12. During the course of the Commissioner's investigation the University acknowledged that the requested information may be held and confirmed it was seeking to refuse the request on the basis that complying would exceed the cost limit.
 13. The Commissioner therefore considers the scope of her investigation to be to determine if the University has correctly applied the provisions of section 12 to refuse the request.

Reasons for decision

Section 12 – cost of compliance

14. Section 12 of the FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to:
 - either comply with the request in its entirety, or
 - confirm or deny whether the requested information is held.
15. The estimate must be reasonable in the circumstances of the case. The appropriate limit is currently £600 for central government departments and £450 for all other public authorities. Public authorities can charge a maximum of £25 per hour to undertake work to comply with a request; 18 hours work in accordance with the appropriate limit of £450 set out above, which is the limit applicable to the University.
16. A public authority is only required to provide a reasonable estimate or breakdown of costs and in putting together its estimate it can take the following processes into consideration:

- determining whether it holds the information;
 - locating the information, or a document which may contain the information;
 - retrieving the information, or a document which may contain the information; and
 - extracting the information from a document containing it.
17. Where a public authority claims that section 12 of the FOIA is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16 of the FOIA.
 18. As is the practice in a case such as this, the Commissioner asked the University to confirm if the information is held, and if so, to provide a detailed estimate of the time/cost taken to provide the information falling within the scope of this request.
 19. As already mentioned, the University did confirm that the remaining information may be held but it would exceed the cost limit to locate and extract this information. The University initially explained there is no requirement for academics to update their individual development record with output data and as the University does not maintain a single source of reference regarding the recording of outputs the production of 'mean' data was not possible.
 20. However, the University looked at this again and considered the time it would take to produce this data by searching its records and manually extracting what it would need to provide the information and concluded this activity would exceed the cost limit.
 21. To be clear, the remaining information which has been considered is:
 - The mean number of scholarly, research-based, articles in learned refereed journals, of which:
 - The mean number of monographs in publications
 - The mean number of other scholarly, research-based, articles
 - The mean Research funding awarded – by Frascati definition
 - The mean number of research students supervised
 22. In its submission to the Commissioner the University explained it had conducted a sampling exercise of 20% of the applications over the requested period. This sampling exercise determined that the information was held on multiple systems, in both electronic and paper based formats and in a number of departments. Several of the systems

utilised within each business area were not linked and the information therefore had to not only be located but required a data matching exercise in order to ensure the correct allocation of funding etc. The University explained that research outputs are recorded within the Research Office using a coding system relevant to their database. This database holds no financial information with the exception of funding bids submission data which is not always the amount awarded.

23. The University explained that the Finance Office uses five specific codes to identify and allocate funding received for research purposes. The information within each coded category contained specific information relating to the funded output and, where relevant, referenced only employee number and cost centre.
24. The information held within Human Resource systems related to personal development, staff ID numbers, staff names and CVs. The information held in the Research Office systems related to research project/output information, funded project code, staff name and cost centre.
25. During the sampling exercise a widespread data matching exercise was undertaken by the University to ensure correct correlation of records between systems. This exercise was conducted on the 20% sample (9 of the 45 records) and involved two members of staff with knowledge of the different systems and codes used. The University states this took 11.5 hours per staff member to complete. Based on staff time being calculated in the Fees Regulations at £25 per hour the University calculated the cost of extracting and compiling the relevant information for just the 20% sample would exceed the £450 cost limit.
26. The complainant raised concerns that the University was stating CVs did not need to be kept up to date but also that the information should, in any event, be on the applications for the post of Reader and the information should be easy enough to extract from the applications, particularly as there were only 45 when information was disclosed at the internal review stage.
27. The Commissioner notes these comments and accepts there may be some information held in the applications which can be extracted without huge amounts of time being expended but it is information such as the mean funding awarded which seems to be the most time consuming. The University has explained that it is this information which is held across multiple departments and formats.
28. The Commissioner does consider the time estimate provided to be somewhat excessive but she can accept it would require a member of staff some time to pull information from the different systems, perform

a data matching exercise and collate this into an accessible format. However, it does seem excessive to state it would take 11.5 hours per person and require 2 people to conduct this exercise.

29. That being said even if this time was halved for one person i.e. 6 hours for one person to provide information for 20% of the information, this would exceed the cost limit as it would still require a member of staff to spend 30 hours complying with the request which is calculated at £750 of staff time, above the £450 limit for Universities.
30. Given the explanations provided by the University, the Commissioner therefore accepts it would take more than the 18 hour limit to respond to the request. She is therefore satisfied that the University is correct to apply section 12(1) to the request.

Section 16(1) – The duty to provide advice and assistance

31. Section 16(1) of the FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice (the "code")¹ in providing advice and assistance, it will have complied with section 16(1).
32. The Commissioner finds that the University might reasonably have considered any advice and assistance it could have offered the complainant and because it did not do so, she considers the University breached section 16(1). The Commissioner does not know if there is any advice or assistance that can be given to meaningfully refine the request to bring complying it within the cost limit but she does require the University to consider if this is possible and to advise the complainant accordingly, perhaps by considering narrowing the request to focus on one of the outstanding areas and shortening the timeframe.

¹ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Right of appeal

33. 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

34. 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.
35. 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

Jill Hulley
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