

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 October 2021

Public Authority: The Governing Body of Stranmillis University College

Address: Stranmillis Road
Belfast
County Antrim
BT9 5DY

Decision (including any steps ordered)

1. The complainant requested information from the Governing Body of Stranmillis University College ("the University") relating to the University's career's department assisting companies recruit current and former students. By the date of this notice, the University had not provided a substantive response to the request.
2. The Commissioner's decision is that the University has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The University 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 25 May 2021, the complainant wrote to the University and requested information in the following terms:

"This is a request for information through the Freedom of Information Act.

- 1) *Does your university have an active policy in place regarding which companies the careers department does and does not assist in recruiting university members? This may be a policy specific to the careers department, or a wider policy which also applies to the careers department.*

For the purpose of this FOI, 'university members' includes:

- Current students, both undergraduate and postgraduate*
- Alumni and former students of the university*

For the purpose of this FOI, 'recruiting' refers to any situation, in which the careers department plays a part, where university members are a potential source of employees or volunteers to a third party outside of the university. This includes:

- Events in which the careers department is an organiser*
- Digital media controlled by the careers department, including websites, webpages, social media and mailing lists*
- Physical materials from the careers department, such as mailings, posters, leaflets and brochures*

- 2) *If your university does have an active policy in place regarding which companies the careers department does and does not assist in recruiting university members, please provide a copy of the policy either as an attachment to your response or through the inclusion of a link to where it is published on your website.*

If this policy forms a part of a wider policy document, please specify which page we need to refer to in order to locate this information.

- 3) *If your university does not have an active policy in place as outlined above, please can you confirm whether there are*

any exclusions in place regarding which companies the careers department does and does not assist in recruiting university members. If not in policy form, exclusions might exist in the form of written guidelines or procedures. If any exclusions are in place please list what they are."

6. Whilst the University did not acknowledge this request, the complainant has provided evidence which shows that the request sent to the University's published email address. Therefore, the Commissioner has assumed that the request was received by the University.
7. On 6 July 2021, as the complainant had not received a response, he wrote to the University to request an internal review.
8. By the date of this notice, the University has not provided the complainant with a substantive response to his request.

Scope of the case

9. The complainant contacted the Commissioner on 23 August 2021 to complain about the University's failure to respond to their request.
10. The Commissioner has considered whether the University has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

11. Section 1(1) of the FOIA states 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."

12. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.

13. On 16 September 2021 the Commissioner wrote to the University, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
14. Despite this intervention the University has failed to respond to the complainant.
15. From the evidence provided to the Commissioner in this case, it is clear that University did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the University has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

16. 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

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

17. 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.
18. 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

Catherine Fletcher
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