

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 December 2022

Public Authority: The University Council
Address: University College London
Gower Street
London
WC1E 6BT

Decision (including any steps ordered)

1. The complainant requested from the University College London (UCL) information relating to the registration of late professor [name redacted] at UCL from 1981. UCL disclosed information relating to part 1 of the request, and with regard to the remaining parts, UCL stated that it does not hold any additional information within the scope of the request.
2. The Commissioner's decision is that, on the balance of probabilities, UCL does not hold any further information falling within the scope of the request, other than what has been provided to the complainant. Also, the Commissioner finds that UCL has complied with section 1(1) of FOIA, and therefore, he does not require UCL to take any steps as a result of this decision notice.

Request and response

3. On 5 June 2022, the complainant wrote to UCL and requested information in the following terms:
 - "1. Documents showing the duration of late professor [name redacted] registration at UCL (from October 1981 to ?), including her registration under CRS,
 2. Documents showing the approval of final thesis title and the date, and

3. Documents showing the submission of the entry form to UCL and ultimately to the University of London, and the dates.

Please redact personal data as required by the Data Protection Act and the FOIA."

4. On 16 June 2022 UCL responded and confirmed that it holds some information of the description specified within the request. UCL disclosed information relating to part 1 of the request, and with regard to parts 2 and 3, UCL stated it does not hold any other individual records for [name redacted].
5. On 29 June 2022 the complainant asked for an internal review, and on 20 July 2022 UCL responded. It confirmed that the information is not held and maintained its original decision.
6. The following analysis focuses on whether, on the balance of probabilities, UCL holds information within scope of parts 2 and 3 of the request, and whether it complied with section 1(1) of FOIA.

Reasons for decision

7. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
8. The Commissioner has considered the actions taken by UCL to check that the information is not held, and also UCL's explanation as to why it is not held. Having reviewed the correspondence of this case, the Commissioner accepts UCL does not hold information relating to parts 2 and 3 of the request. The Commissioner notes the records requested are from almost 40 years ago (1984), and he accepts the explanation from UCL that it is "required to keep some information relating to students indefinitely, although it seeks not to retain personal data longer than it needs to."
9. The Commissioner notes the complainant's argument which is he believes UCL failed to provide information to parts 2 and 3 of his request, and he disputes UCL's response that it does not hold the information he requested.

10. The Commissioner also notes the complainant's comments; "According to the 1983-1984 Regulations for Internal Students Proceeding to the Degrees of M.Phil. and Ph.D., the final thesis title of late [name redacted] was required to be approved by UCL, and an examination entry form must be submitted to UoL before [name redacted] was permitted to entry to the PhD exam at UoL." The complainant said UCL should provide the requested records.
11. However, in cases where there is some dispute between the public authority and a complainant as to whether the information requested is held, the Commissioner is not required to prove beyond doubt that the public authority does or does not hold further information. The Commissioner makes a decision based on the civil standard of the balance of probabilities, that is, more likely than not. He does not decide whether the public authority should hold that information.
12. The Commissioner recognises information about [name redacted] has already been disclosed to the complainant, and that UCL correctly applied the personal data exemption (section 40(2) of FOIA) to that information as appropriate.
13. UCL stated to the Commissioner that it had checked with its Student Registry Services and with the Library Records Office for information, and confirmed that neither team hold further information within the scope of the request. UCL maintained its position that it had disclosed to the complainant all the information it holds relevant to the request, excluding personal information exempt from disclosure under section 40(2) of FOIA.

The Commissioner's conclusion

14. The Commissioner sees no reason to doubt UCL's explanation. He is satisfied UCL disclosed information to part 1 of the request. Also, it is noted following subsequent checks with its other relevant departments, UCL confirmed that no other separate records for the individual in question, are held.
15. Having considered UCL's response and on the basis of the evidence provided to him, the Commissioner is satisfied that on the balance of probabilities, UCL does not hold information within the scope of parts 2 and 3 of the request, therefore it cannot be provided. The Commissioner's conclusion is UCL complied with section 1(1) of FOIA in this case.

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: 0300 1234504

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

Phillip Angell
Head of Freedom of Information Casework
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF