

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

**Dated 2 March 2006**

**Name of Public Authority:** The University of Ulster

**Address of Public Authority:** Jordanstown campus  
Shore Road  
Newtownabbey  
Co. Antrim  
BT37 0QB

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") received a complaint from stating that, on 13 May 2005, the Complainant requested the following information from the University of Ulster (the "University") under section 1 of the Freedom of Information Act 2000 (the "Act"):

*"information about a series of homophobic incidents at the Jordanstown campus, and a copy of the University's complaints procedure".*

It is alleged that the University failed to respond to the Complainant's request within the twenty working day time period, and in failing to do so, did not comply with Section 10(1) of the Act.

Section 10(1) states:

*"... 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".*

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a Complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the Complainant and the Public Authority.

The Commissioner's decision is as follows:

The Commissioner is satisfied that the University did not confirm or deny that the information requested was held by the University and consequently failed to comply with Section 1(1). Further, the University failed to provide the Complainant with either the information requested, or an appropriate Refusal Notice under Section 17 of the Act.

Following intervention by the Information Commissioner's Office, the University responded to the Complainant's information request on 16

November 2005, some six months after the request was made. The University provided part of the information requested and indicated that they did not hold the remainder of the requested information. The Complainant is satisfied that he has now received all the information he requested which is, in fact, held by the University. Consequently, the Commissioner is satisfied that the University did not deal with the Complainant's request in accordance with the requirements of Part I of the Act in that it failed to comply with section 10(1).

### **Action Required**

In view of the fact that the Complainant received the part of the information requested that was held by the University on 16 November 2005 no further steps are required to be taken by the University.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

|                             |   |
|-----------------------------|---|
| Information Tribunal        | Tel: 0845 6000 877  |
| Arnhem House Support Centre | Fax: 0116 249 4253  |
| PO Box 6987                 | Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a> |
| Leicester                   | Web: <a href="http://www.informationtribunal.gov.uk">www.informationtribunal.gov.uk</a>           |
| LE1 6ZX                     |   |

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 2nd day of March 2006

Signed: .....

Graham Smith  
Deputy Commissioner  
Information Commissioner' Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF