

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 12 May 2022

Public Authority: The Governing Body of All Souls College
Address: All Souls College
Oxford
OX1 4AL

Decision (including any steps ordered)

1. The complainant requested information from All Souls College concerning the online availability of a founding document that established the status and governance of All Souls College that was filed with the Charity Commission on 16 July 2010. By the date of this notice, All Souls College had still failed to provide a substantive response to this request.
2. The Commissioner's decision is that All Souls College failed to provide a substantive response to the request within 20 working days and has therefore breached section 10 of FOIA.
3. The Commissioner requires All Souls College to take the following steps to ensure compliance with the legislation.
 - All Souls College must provide a substantive response to the request in accordance with its obligations under FOIA.
4. All Souls College 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 20 February 2022, the complainant wrote to All Souls College and requested information in the following terms:

“There is a founding document which established the status and governance of All Souls College as a charity which was filed with the Charity Commission on 16th July 2010.

Has this document ever been available on the web of All Souls College or on any other web that you know of. I believe this is a simple enough question that need not be treated as an FOI request although it is clearly a request for information. ”

6. All Souls College responded to the request on 16 March 2022 but had failed to provide a substantive response under FOIA by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 21 March 2022 to complain about the failure, by All Souls College, to respond to the request.
8. The scope of this notice and the following analysis is to consider whether All Souls College has complied with its obligations in relation to section 10 of FOIA.

Reasons for decision

9. 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.”

10. 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”.

11. The Commissioner contacted All Souls College on 31 March 2022 reminding it of its responsibilities and asking them to conduct a review of the response they previously issued on 16 March 2022 within 20 working days.
12. Despite this intervention, All Souls College failed to provide a response to the complainant.
13. From the evidence presented to the Commissioner in this case, it is clear that All Souls College did not deal with the request for information in accordance with FOIA. The Commissioner finds that All Souls College has breached section 10(1) by failing to provide a substantive response under FOIA within 20 working days. It is now required to respond to the request in accordance with FOIA.

Other Matters

14. It is clear from exchanges between the parties that All Souls College has not suitably clarified the wording of the request to understand if they do indeed hold any information within scope of the request. Should All Souls College require further clarification on the wording of the request they should contact the complainant to attain this.

Right of appeal

15. 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

16. 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.
17. 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
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Wycliffe House
Water Lane
Wilmslow
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SK9 5AF