

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 March 2023

Public Authority: The Governing Body of the University of Chester
Parkgate Road
Chester
CH1 4BJ

Decision

1. The complainant requested information about meetings and correspondence of specific external organisations attended by a member of the University of Chester's staff, within a specific timeframe.
2. The Commissioner's decision is that the University of Chester ("the University") does not hold the requested information.
3. The Commissioner does not require the University to take any steps as a result of this decision notice.

Request and response

4. The complainant made the following information request to the University on 18 October 2022:

"Dates, agendas and minutes of any meetings of the North West Hydrogen Alliance and / or NW Hydrogen Hub that [name redacted] has attended as [position redacted] either online or in person from 1st January 2022 until today;

Any correspondence (emails) and meetings between [name redacted] and senior executives from Cadent from 1st January 2022 until today."

5. The final position of the University is that it does not hold any information, either physically or electronically, related to the request.

Reasons for decision

6. 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.
7. The Commissioner has sought to determine whether, on the balance of probabilities, the University holds the requested information.
8. From the information provided, the Commissioner can see that the University has explained in both the original response to the complainant and in the internal review, that it does not hold such information. In correspondence to the Commissioner, the University stated:

“The University does not hold the information requested neither physically nor electronically.”

9. In response to the Commissioner’s enquiries, the University set out the evidence for why it would not hold the requested information:

“[name redacted] is an academic member of staff at the University. The University is aware that [name redacted] is a member of the North West Hydrogen Alliance but this is not a part of [pronoun redacted] employment and [pronoun redacted] is not paid by the University to participate in this group. [name redacted]’s contract of employment and duties does not include membership of this group or any other. The University is not aware and has not requested [name redacted] to enter into any correspondence with Cadent. Therefore, the University does not have this information nor detail as to what this may entail within its possession. The University assumes that the relationship that [name redacted] has with Cadent is in [pronoun redacted] personal capacity and/or through [pronoun redacted] membership of the North West Hydrogen Alliance. The ICO may note that the University is listed on the North West Hydrogen Alliance website, however, this is not part of any formal partnership that the University recognises. The University [...] can confirm that it has no access nor interest in the Requested Information. The Requested Information is assumed to be controlled by the North West Hydrogen Alliance. Even though [name

redacted] assists the North West Hydrogen Alliance, this is not in [pronoun redacted] capacity as an employee of a public authority and therefore the University did not provide any direct or indirect assistance in creating, recording, filing or removing the Requested Information.”

10. The Commissioner is satisfied that the University neither holds the information physically or electronically, and would have no reason to do so given the relationship between the University and the organisations referred to in the request. Therefore, the University has complied with its obligations under section 1(1) of FOIA.

Right of appeal

11. 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-regulatorychamber

12. 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.
13. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF