

Dear G Kanter-Webber,

Freedom of Information Act 2000

Request for information: response

**Date of request:** 17-01-2020 21:19:52 GMT  
**Due date:** 14-02-2020 21:19:51 GMT  
**Ref:** RITM0257544

We refer to your request for information dated 17 January 2020, under the Freedom of Information Act 2000 (the "Act"). Please accept our apologies for the delay in responding to your request.

**Question:**

Dear University of Southampton, Please disclose an electronic copy of all recorded information you hold relating to: - The ICO investigation under reference FS50772671 into your FOIA handling - The information notices the ICO served you with in relation to the above investigation - The High Court proceedings arising out of the above-mentioned information notices Yours faithfully, G Kanter-Webber

**Answer:**

We confirm that the University holds the information of the description specified in your request.

In relation to question 1: we hope to provide you with a response by 21 February 2020.

In relation to question 2: in the interests of transparency, information notices are published by the ICO at <https://ico.org.uk/action-weve-taken/information-notices/> when the case, to which the information notice relates, has been concluded. Information notices that have already been published are exempt from disclosure by virtue of [section 21](#) of the Act; information notices that have not yet been published (because the case to which they relate has not yet been concluded) are exempt from disclosure by virtue of [section 22](#) of the Act, on the grounds that the information is held (by the ICO) with a view to publication at some future date (namely, the conclusion of the case to which the information relates).

The section 22 exemption is a "qualified exemption" that requires consideration of the public interest test – namely, whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is clearly in the public interest that public authorities be as open and transparent as possible, and the public interest is served by the fact that the information notices are published once the case to which they relate has been concluded. Disclosure of the information notice prior to the conclusion of the case would provide only a nugatory incremental contribution to serving the public interest, and any such incremental contribution would be offset by the potential detriment entailed by provision of information in advance of the conclusion of the matter to which the information relates. In view of the above, we are of the opinion that the public interest in maintaining the exemption outweighs the public interest in disclosing the information: the information will not be disclosed by the University but will no doubt be published by the ICO in line with its protocol.

In relation to question 3: any documents held in relation to High Court proceedings arising out of the above-mentioned information notices are exempt information by virtue of [section 32](#) of the Act: such information will not be disclosed by the University.

If you do not feel that we have dealt with your request in accordance with the requirements of [Part I](#) of the Act, you may request a review. Your request for a review should specify in what respect you consider that the requirements of [Part I](#) have not been met. Please address your request to the Chief Operating Officer at the following address: [foi@soton.ac.uk](mailto:foi@soton.ac.uk).

In accordance with section 5.3 of the [Code of Practice](#), a request for a review must be sent within 40 working days of the date of this email. The University is not obliged to accept any requests for a review beyond 40 working days.

We will endeavour to respond to your request for a review within 20 working days of receipt.

The Information Commissioner is responsible for enforcing rights of access to information and the operation of the publication scheme. You may apply to the Information Commissioner in writing (FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF) or [electronically](#) for a decision whether, in any specified respect, your request for information has been dealt with by the University in accordance with the requirements of [Part 1](#) of the Act. The Information Commissioner will not normally take action unless they are satisfied that the University's review procedure has been exhausted. Please accept our apologies once again for the delay in responding to you.