

Ada Zaffina

By email: request-715651-11529bbe@whatdotheyknow.com

10 March 2021

Dear Ada Zaffina,

G00099: Freedom of Information Review

I refer to:

- 1) your request for a review, dated 10 February 2021, of the University's handling of your request for information ("FOI request") which was submitted on the 4th January 2021 under the Freedom of Information Act 2000 (the "Act"),
- 2) your email of 23 February 2021, which will be referred to as the "second review request" and will also be dealt with under the terms of this review.

The text of your original request and the University's response are set out in appendices to this letter. My review has considered whether the University has dealt with your FOI request in accordance with the requirements of [Part I](#) of the Act.

Under [section 10\(1\)](#) of the Act, the University is under an obligation to respond to FOI requests within 20 working days: our response was therefore due by the 1st February 2021 but was not sent until the 19th February 2021. Accordingly, we did not respond within the statutory deadline and in this respect your complaint is upheld. I would like to add my apologies to those of the University's FOI Office for the delay in responding to your request. We have not only experienced an increase in requests, but (along with other public authorities) have also had difficulties with working remotely due to the pandemic. Some of your fellow requesters on whatdotheyknow.com have recognised these difficulties and we are very grateful to them for their patience and understanding.

In your second review request of the 23rd February:

1. You have stated that Section 16 requires public bodies to provide advice and assistance.
2. You have stated that Section 46 code of practice covers good records management practices and obligations of public authorities under the Public Records Act.

3. You have requested that we provide you with details of their policy on deleting the email account data of past staff: although “their” would refer to public authorities in general, I have taken it to mean “our” (i.e. this public authority: the University).
4. You have stated that your requests to other authorities have not previously been refused on the basis of being invalid requests; and
5. Lastly you have requested that we respect your preference and send a response to you via What Do They Know rather than via links to materials posted on the University’s website.

I do not uphold the points raised in your second request for review for the reasons set out below.

1. The University correctly stated that the right of access under the Act is to information and not to documents. You have not stated what information you are seeking and accordingly our obligation to provide advice and assistance under section 16 does not arise or, put differently, is limited to pointing out that your request should describe the information sought and not the documents sought. By way of assistance you have also been provided with links to the relevant sections of the Act.
2. I have taken your point 2 to mean that you are referring to the Lord Chancellor’s Code of Practice on the management of records issued under section 46 of the Act. This code of practice is issued in connection *with providing guidance to relevant authorities as to the practice which it would, in [the Secretary of State’s] opinion, be desirable for them to follow in connection with the keeping, management and destruction of their records*. You have not stated on what basis our response indicates a failing in respect of the otherwise non-binding code but I would nonetheless point out that this code recognises at paragraph 12.2 that “*As a general principle, records should be kept for as long as they are needed by the authority: for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests. Destruction at the end of this period ensures that office and server space are not used and costs are not incurred in maintaining records that are no longer required. For records containing personal information it also ensures compliance with the 5th data protection principle which requires that personal data is kept only for as long as it is needed.*” and at paragraph 8.6 that “*...print-outs of electronic documents should not be kept after the meeting for which they were printed, trivial emails should be deleted after being read, and keeping multiple or personal copies of documents should be discouraged.*”
3. Our policy on deleting staff emails was not originally part of your request for information and therefore is not subject to this review. This is a new request for information which you have made on the 23rd February 2021 but which can be answered as part of this review: staff accounts (and their contents) are permanently deleted 132 days after the member of staff leaves.
4. The nature of your requests made to other public authorities and the basis of their responses to you have no bearing on the University’s responses to freedom of information requests generally or your request specifically and cannot form part of my review. The above notwithstanding, it is not the case that your request was flatly refused on the basis that it was not a valid request, as the University also pointed out that, if the individual mentioned in your request was a member of staff, the emails (from their account) that you wanted would no longer be held for the purposes of the Act because the individual in question had left. You were also advised to redirect your inquiry to the OGA, in case they still held copies of the correspondence.
5. The University sent its [administrative/cover response](#) to you via the *What Do They Know* address you provided which included a link to its [substantive response](#) (hyperlinks have been included here for your ease of reference). Both responses are available to you and to all other

users of WDTK and I believe that our responses (which are publicly available) respect the spirit of how you have chosen to correspond with us.

If you are not content with the outcome of this internal review, you have the right to apply directly 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.

Yours sincerely,

Richard Middleton

Chief Operating Officer

foi

From: Ada Zaffina <request-715651-11529bbe@whatdotheyknow.com>
Sent: 10 February 2021 20:31
To: foi
Subject: [Team:Legal - FOI]Internal review of Freedom of Information request - Newdigate Earthquakes Workshop – 3 October 2018

Case ID: G00099

MsgID:

CAUTION: This e-mail originated outside the University of Southampton.

Dear University of Southampton,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of University of Southampton's handling of my FOI request 'Newdigate Earthquakes Workshop – 3 October 2018'.

I still have not received a reply to my request. By law, I should have received a response by 1 February 2021

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fnwdigate_earthquakes_workshop_3&data=04%7C01%7Cfoi%40soton.ac.uk%7Cc9aa8046c6c7439ef9fa08d8cdf20eb0%7C4a5378f929f44d3ebe89669d03ada9d8%7C0%7C0%7C637485786802993573%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCI6Mn0%3D%7C1000&reserved=0

Yours faithfully,

Ada Zaffina

Please use this email address for all replies to this request:

request-715651-11529bbe@whatdotheyknow.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Fhelp%2Fofficers&data=04%7C01%7Cfoi%40soton.ac.uk%7Cc9aa8046c6c7439ef9fa08d8cdf20eb0%7C4a5378f929f44d3ebe89669d03ada9d8%7C0%7C0%7C637485786802993573%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C1000&data=0P8q5usaHWb62O6j7xMdBsP3TyHnh%2FLeAnT541V3NZo%3D&reserved=0>

For more detailed guidance on safely disclosing information, read the latest advice from the ICO:

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Fhelp%2Fico-guidance-for-authorities&data=04%7C01%7Cfoi%40soton.ac.uk%7Cc9aa8046c6c7439ef9fa08d8cdf20eb0%7C4a5378f929f44d3ebe89669d03ada9d8%7C0%7C0%7C637485786802993573%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C1000&data=PPcpCRJDhjTUQIY71JRaFfmXaveijwTpbaDQ7E2Mpk%3D&reserved=0>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

foi

From: foi
Sent: 19 February 2021 22:10
To: request-715651-11529bbe@whatdotheyknow.com
Subject: RITM0351697 FOI request: response

Case ID: RITM0351697

Dear Ada Zaffina,

Freedom of Information Act 2000
Request for information: response
Ref: RITM0351697

We refer to your request for information dated 4 January 2021.

The University's response is available [here](#).

Yours sincerely,

Freedom of Information Office
University of Southampton