

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 October 2013

Public Authority: The Governing Body of London Metropolitan University

Address: 166-220 Holloway Road
London
N7 8DB

Decision (including any steps ordered)

1. The complainant has requested information concerning examination marks and the assessment and moderation procedures followed by the London Metropolitan University ("LMU"). The requests were submitted on ten dates between 23 July 2012 and 27 February 2013. LMU responded to the requests and on 25 March 2013 it applied section 12 of the FOIA to the most recent requests which it aggregated. Following the intervention of the Commissioner, LMU reviewed its responses and provided further recorded information. The complainant is satisfied that he has now received the information he requested.
2. The Commissioner's decision is that LMU did not deal with the request for information in accordance with the FOIA in the following way:
 - It failed to provide all the recorded information which it held within the statutory time frame of 20 working days.
3. As a full response has now been provided, the Commissioner requires no steps to be taken.

Requests and responses

4. On the following dates, the complainant wrote to LMU and requested information concerning its Legal Practice Course ("LPC") and the assessment and moderation of examinations.

First set of requests and responses

- On 23 July 2012 the complainant requested information concerning the Legal Practice Course taught at LMU. He submitted seven questions and these were answered on 20 and 21 August 2012. On 18 September 2012 LMU provided the complainant with further data concerning elective subject data for 2009/2010.
- On 20 August 2012 the complainant submitted a further request for statistical data for the LPC core subjects for the years 2010/2011 and 2011/2012. LMU responded to this on 19 October and 6 November 2012.
- On 20 September 2012 the complainant requested minutes of the examiners comments for the Intellectual Property examination on the LPC and the entire electives for the LPC in relation to the 2012 exams. LMU responded on 5 October 2012.
- On 15 October 2012 the complainant submitted five questions concerning the analysis of examination marks. A response was provided on 22 October 2012.
- On 16 May 2013 LMU provided an internal review regarding the above responses.

Second set of requests and responses

- On 19 December 2012 the complainant asked LMU to answer seven questions and responses were provided.
- On 9 January 2013 the complainant asked LMU to answer a further four questions and responses were provided.
- On 5 February 2013 the complainant asked LMU for information concerning capabilities measures and disciplinary action taken against any tutors as a result of his complaints. This was responded to on 18 February 2013.

- On 24 February 2013 the complainant asked for information concerning complaints and appeals made in the last two academic years on postgraduate courses. On 26 February 2013 he clarified that he required this information for the years 2010/2011 and 2011/2012.
- On 25 February 2013 with reference to previous emails and responses received, the complainant submitted a further 27 questions to LMU.
- On 27 February 2013 the complainant submitted a request concerning the moderation process available for quality audits and reviews.
- On 25 March 2013 LMU provided a refusal notice with respect to the above second set of requests. It aggregated these requests and refused to respond under section 12 of the FOIA.
- On 24 April 2013 LMU provided the complainant with an internal review of the above refusal. This upheld the application of section 12 of the FOIA to the requests of 24, 25 and 27 February and also to LMU's responses to the correspondence of 19 December 2012 and 9 January 2013.

Scope of the case

5. The complainant contacted the Commissioner on 25 January 2013 to complain about the way his request for information had been handled. He complained that LMU had provided him with dishonest and incomplete answers and had refused to answer legitimate questions.
6. The Commissioner reviewed the requests and responses with the complainant who confirmed which questions could be removed from the scope of the case as they had been answered. The complainant also identified which questions he considered LMU had not responded to adequately. Two cases were created: one to consider the application of section 12 to the aggregated requests (case reference FS50501411) and the other to consider the argument that LMU had not provided the complainant with the recorded information that it held (case reference FS50495750).
7. LMU reviewed its responses to all the above requests and on 27 September 2013 provided a full response to the complainant with reference to all his requests across both cases.

8. The complainant has indicated that he is satisfied with the information provided. However he requires a decision notice to record the late provision of the information.

Reasons for decision

9. Section 10(1) of the FOIA states that a public authority in receipt of a request for information has a duty to respond within 20 working days.
10. From the information provided to the Commissioner in this case it is evident that LMU did not provide all the recorded information which it held within the statutory time frame.

Other matters

11. Although the complainant is not satisfied with LMU's handling of his requests for information and considers LMU has demonstrated a reluctance to publish examination information such as that requested, the Commissioner notes that LMU has undertaken a significant amount of work to now provide full and detailed answers to these requests.
12. LMU considers that it handled the requests in accordance with its duties and obligations under the FOIA and the Commissioner appreciates that it responded to each request as it was received.
13. However the Commissioner considers that LMU should have provided the complainant with the detailed recorded information it held at the time of each request (where relevant). Had LMU initially provided this recorded information (as given on 27 September 2013) rather than attempting to simply answer the questions asked, it may have been able to bring this matter to an earlier conclusion.

Right of appeal

14. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

15. 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.
16. 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

Rachael Cragg
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