

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 November 2016

Public Authority: University of the Arts London
Address: 272 High Holborn
London
WC1V 7EY

Decision (including any steps ordered)

1. The complainant has requested information from the University of the Arts London ("the University") relating to applicants offered a place on a course and their qualifications and nationality.
2. The Commissioner's decision is that the University has correctly applied section 12 of the FOIA to the request.
3. The Commissioner requires the University to take no steps.

Request and response

4. On 24 April 2016, the complainant wrote to the University and requested information in the following terms:

"May I also request the grades of those offered places. In particular, of those offered places, how many were predicted 3 x A ? at A level. How many at 2 x A and 1 X B etc. For European and International students, please provide the equivalent qualification and the numbers. Please do not provide percentages, I require numbers.

Finally would you also detail in the above numbers, those students, by category, for example, 3 x A of above would be category 1, those numbers who had the "ideally" subjects as detailed within your academic requirements for the course. In particular, this detailed that the college would view, English, Film, Media, art and design as "ideal" subjects.

Of those offered places, would you indicate how many had a Foundation degree at LCC, UAL and the subject area. Of these numbers, please detail the grading category as above, hence, how many had AAA, AAB, ABB,

BBB, BBC, BCC, CCC etc. For clarity, I would expect this grading criteria to be detailed for above, and the equivalent international qualification to be detailed.

Would you please provide this information for this year and last year.

Finally, would you also detail, the particular disability with the numbers provided previously of students being offered a place. In particular, the number of students detailing dyslexia as a disability, blind or sight disability, hearing impairment etc.

I would like the above information pertaining to disability for this year and for the previous 4 years that the course has been running. (BA Film and TV).

As per my prior e mail, I would also like to know, in the past 10 years, how many students in a wheelchair have been offered a place at LCC and of those students, how many were offered a place on (i) the BA Film and TV BA Hons, (ii) BA TV and Events course (BA Hons of degree level), (I note it is sponsored by a para Olympic organisation), (iii) the Film production degree".

5. Later the same day, the complainant added to her request and asked for the following information:

"In connection with the Foundation degree, would you detail if the students had A levels as well as the Foundation degree, and the grade of the students at A level when applying for the Foundation degree. So, for example, a student may have been required to take a Foundation degree in 2014/15 because of 3 x A, at grade C,C, B therefore not meeting the BB grade requirement".

6. The University responded on 17 May 2016. Its response aggregated previous requests for information along with the requests of 24 April 2016. The University's response provided some of the information sought, confirmed some was not held, and refused to deal with some parts of the request on the grounds that section 12 of the FOIA applied.

7. The University applied section 12 to the following requests:

"May I also request the grades of those offered places. In particular, of those offered places, how many were predicted 3 x A ? at A level. How many at 2 x A and 1 X B etc. For European and International students, please provide the equivalent qualification and the numbers. Please do not provide percentages, I require numbers.

Finally would you also detail in the above numbers, those students, by category, for example, 3 x A of above would be category 1, those numbers who had the "ideally" subjects as detailed within your academic

requirements for the course. In particular, this detailed that the college would view, English, Film, Media, art and design as "ideal" subjects.

Of those offered places, would you indicate how many had a Foundation degree at LCC, UAL and the subject area. Of these numbers, please detail the grading category as above, hence, how many had AAA, AAB, ABB, BBB, BBC, BCC, CCC etc. For clarity, I would expect this grading criteria to be detailed for above, and the equivalent international qualification to be detailed.

Would you please provide this information for this year and last year."

"In connection with the Foundation degree, would you detail if the students had A levels as well as the Foundation degree, and the grade of the students at A level when applying for the Foundation degree. So, for example, a student may have been required to take a Foundation degree in 2014/15 because of 3 x A, at grade C,C, B therefore not meeting the BB grade requirement".

8. Later the same day, the complainant contacted the University and argued that it would not exceed the appropriate cost limit of compliance to comply with the request.
9. The University responded to the internal review request on 2 June 2016. It maintained its previous decision that it was correct to apply section 12 to the requests detailed in paragraph 7.

Scope of the case

10. The complainant contacted the Commissioner on 8 June 2016 to complain about the way her request for information had been handled.
11. The complainant raised a number of concerns regarding the University's handling of her request. However the scope of the Commissioner's investigation was limited in an email sent to the complainant on 5 August 2016. The Commissioner explained her investigation would focus on whether the University was correct to apply section 12 to the requests detailed at paragraph 7. The complainant did not dispute this.
12. The Commissioner has therefore had to consider whether the University was correct to apply section 12 to the requests set out at paragraph 7.

Reasons for decision

13. Section 12(1) allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations).
14. The appropriate limit for central government departments is £600 and £450 for all other public authorities.
15. The Regulations allow a public authority to charge the following activities at a flat rate of £25 per hour of staff time:
 - determining whether the information is held;
 - locating the information, or a document which may contain the information;
 - retrieving the information, or a document which may contain the information; and
 - extracting the information from a document containing it.
16. The University explained that in order to comply with the requests detailed at paragraph 7, it would need to review all of the 800+ applications it received for the particular course in order to extract the relevant information falling within the scope of the requests.
17. The Commissioner was aware that in its response to the complainant on 17 May 2016, the University confirmed that 191 UK applicants and 55 international applicants had been offered a place. The Commissioner queried that if the University knew how many UK and international applicants were offered a place, why it would have to review over 800 applicant records. The University explained that it was able to determine the number of UK and international applicants at the time of the request because its database provides a 'live' snapshot of the offer/acceptance process at any given time. The University confirmed that the database shows which applicants are still in an 'offer' status at the time the system is interrogated. However, if an applicant withdraws their offer or if the University rejects an offer, the status of that individual on the database is overwritten and they are no longer shown as having an open 'offer' status. A consequence of this is that the database does not pick up everyone that has been made an offer, rather it will only show who has accepted the offer at the time the database is interrogated.
18. The University explained:

"The only way to ascertain the information which [redacted name] has requested about all students to whom an offer has been made, is to interrogate separately each of the individual student records from these

applicants which are held on the University's student records system. There were more than 800 applicants for the particular course which [redacted name] is asking about".

19. The University confirmed that it does not have an operational requirement to hold the data in the way that would enable a report to be produced easily in order to respond and provide the information sought by the complainant. The University stated that its systems are set up in a way that is best for it to meet its operational needs, rather than to facilitate the answering of information requests.
20. As set out at paragraph 18, the University explained that it was aware that over 800 applicants applied for the course in question and in order to determine who was offered a place, the University would have to access all of the individual records to locate, retrieve and extract the requested information.
21. The University provided an explanation of the process involved. It further provided the Commissioner with screenshots of the process in order to allow the Commissioner to understand the work required to comply with the request.
22. The University explained that to identify the applicants that received an offer, it would have to look at the course application screen and look into the course applications history which provides information on the progress of the application from various stages from receipt of application to enrolment on the course. The University confirmed that by looking at these screens, it would be able to identify which students had received an offer.
23. After determining which applicants have received an offer, the University explained that it would then need to create a new spreadsheet to populate the extracted data. The relevant team at the University would need to exit the screen containing the course application history, exit the main screen and then navigate to a screen displaying each applicant's qualifications. The University explained that the applicants who have qualifications which have been specified in the complainant's request would have to be identified manually and the relevant qualifications would have to be copied from the student record into a new spreadsheet. The University confirmed that this process would need to be carried out separately for each applicant. In addition to this, information on the applicant's nationality/status would need to be copied over from each student record onto the new spreadsheet.
24. The University explained that where an applicant did not have A levels, but held an equivalent qualification, the University would have to

undertake a process of consulting with external sources in order to obtain the information requested by the complainant.

25. The University confirmed that if the equivalent qualifications were obtained in the UK, the University could need to check the UCAS website. It further advised that if the qualifications were obtained outside of the UK, the University would need to check the UK NARIC website. Once the relevant qualification information has been located, it would need to be extracted and put onto the spreadsheet.

26. The University explained:

"Having logged the qualifications, the spreadsheet would need some further organisation to classify and categorize the data in the matter which [redacted name] request anticipates".

27. In its responses to the complainant, the University's admissions team estimated that it would take 10 minutes to review each applicant record and locate, retrieve and extract the requested information. To support this estimate, the Commissioner asked the University to carry out a sample search to determine whether the estimate of time was reasonable. The University confirmed that it had carried out a sample search on 10 applicant records. The time taken to create the sample report of 10 applicants was 1 hour and 40 minutes which is an average of 10 minutes per record. The University argued that to search at least 800 records and extract the relevant information falling within the scope of the request would take over 133 hours. The University explained:

"Our admissions team did say that they thought it might be possible to get a little faster as the process went on, but it seems highly unlikely that it could be speeded up to a degree which would allow 800 records to be searched in 18 hours (which is 1,080 minutes). That would require an average speed of around 80 seconds per record".

The Commissioner's decision

28. As described at paragraph 21, the University provided the Commissioner with screenshots of the process involved in providing the requested information. The Commissioner notes that the process of locating, retrieving and extracting the requested information is not as straightforward as it would seem.

29. Referring to the University's estimate of time that it would take 10 minutes to review each applicant's record and extract the requested information, the Commissioner considers it is likely that not all of the applicants received an offer and therefore the University would not have to locate, retrieve and extract the requested information for all 800

applicants. The Commissioner therefore considers that the University's estimate of 10 minutes is excessive.

30. In any event, even if the estimate was limited to two minutes per applicant record, the time involved in complying with the request would still amount to over 25 hours.
31. On this basis, the Commissioner has determined that the University was correct to apply section 12 to refuse to comply with the request.

Right of appeal

32. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

33. 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.
34. 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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