

# Freedom of Information Act 2000 (Section 48)

## Practice Recommendation

Goldsmiths' College

4 November 2024

## Summary

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Section 48 of the Freedom of Information Act (FOIA) empowers the information Commissioner (the Commissioner) to issue a practice recommendation where it appears to him that a public authority has failed to conform, specifically, to the FOIA Codes of Practice. These failures are addressed in the recommendations section below. Section 47 of FOIA also makes clear that the Commissioner has a duty to promote the following of good practice beyond just the requirements of the Codes of Practice. Other concerns the Commissioner has in this case are addressed in the 'Other matters' section below to keep them distinct from the Section 48 related recommendations he has made.

Between 27 July 2022 and 30 July 2024, the Commissioner had received just six FOIA complaints about Goldsmiths' College, ('Goldsmiths'). He received three of the six complaints between 5 July 2024 and 30 July 2024, with two of these being about the timeliness of Goldsmiths' response to an information request. The increase in complaints hadn't concerned the Commissioner unduly but Goldsmiths proactively wrote to the Commissioner in correspondence dated 7 August 2024.

Goldsmiths explained that due to a number of factors it was currently unable to meet its obligations to provide timely responses to individuals regarding their information rights requests. As a result, a backlog of requests had built up. It said that a significant factor has been a change in the volume and nature of information requests.

Goldsmiths' letter discussed the requests it was receiving and related factors that had led to the backlog of information requests building up.

In response to this letter, the Commissioner's staff had a telephone conversation with a member of Goldsmiths' Information Governance team on 15 August 2024 and a virtual meeting with them on 3 September 2024.

At that meeting, Goldsmiths advised that it was experiencing a 15% increase in FOIA requests with many of these requests being more complex than usual. The team had recently lost an experienced member of staff and was in the process of filling that post. Because of circumstances at Goldsmiths, it was also proving difficult to gather information from the relevant teams, in order to respond to requests. Goldsmiths indicated in the meeting that, at that point, there was a backlog of 44 FOIA requests and nine internal reviews. It was dealing with 53 open requests of which 35 were over 20 working days old. With 66% of requests not responded to in time, Goldsmiths had a compliance rate of 34%. It acknowledged that it was likely that its performance would continue to be poor and that it could take to Christmas 2024 to clear the backlog.

On 1 November 2024, Goldsmiths provided the Commissioner with an update on its current position. Regarding requests for information Goldsmiths had received, it advised that it had received 31 requests between March and up to 1 November. Of these, 19 hadn't received a response within the statutory 20 working day period and were outstanding. This indicates a compliance rate of 31%. Goldsmiths also indicated that it had seven internal reviews outstanding going back to June 2024.

## Recommendations

The Commissioner has noted Goldsmiths' intention to draft an Action Plan to improve its request handling processes and to ensure it complies with its obligations to handle requests within an acceptable time period.

The Commissioner has therefore designed the following recommendations to support and enhance Goldsmiths' plans to stabilise and improve its information rights practices.

In considering these recommendations, we expect Goldsmiths to ensure that it continues to meet its obligations to comply with subject access requests under the UK GDPR.

Area of Code	Non conformity	Recommendation of steps to be taken
<ul style="list-style-type: none"><li><b>Part 8.5</b></li></ul> <p>Section 8.5 of the Code sets out that "public authorities with over 100 Full Time Equivalent (FTE) employees should, as a matter of best practice, publish details of their performance on handling requests for information under the Act."</p>	<p>No such details appear to be published on the FOIA area of Goldsmiths' website.</p>	<p><b>Recommendation 1:</b> Goldsmiths should publish its information access request statistics and make these easily accessible on its website. The statistics should include the number of information access requests that haven't been processed and the number of completed requests where the processing took longer than 20 working days.</p> <p>The Commissioner has published guidance on <a href="#">How to report on your performance on handling requests for information under FOIA 2000</a></p>

<ul style="list-style-type: none"><li>• <b>Part 4 – time limits for responding to requests</b></li></ul> <p>Section 4.1 of the Code highlights the “clear” requirement that public authorities respond to requests for information promptly, and within 20 working days of receipt in accordance with section 10(1) of FOIA.</p>	<p>Since 30 July 2024 and to the date of this practice recommendation, the Commissioner has received two further FOIA complaints about Goldsmiths. Both concerned timeliness.</p> <p>In the context of Goldsmiths’ circumstances at this time, which isn’t a high volume of complaints.</p> <p>However, Goldsmiths has proactively reported that it had a backlog of requests and that its compliance rate is 31% as at 1 November 2024.</p> <p>Goldsmiths is facing a particular set of circumstances at this time. These circumstances are likely to be temporary but they’re putting pressure on Goldsmiths’ ability to comply with section 10(1) of FOIA.</p>	<p><b>Recommendation 2:</b> In September 2024 Goldsmiths appointed a new Chair to its Council. Goldsmiths should assess the current level of senior interest in FOI matters and, if necessary, identify and implement ways this could be strengthened.</p> <p><b>Recommendation 3:</b> Goldsmiths should complete its Action Plan, detailing how it intends to recover its timeliness performance or prevent it from worsening. It could consider using the relevant <a href="#">FOI template Action Plan</a> that the Commissioner has published, incorporating any steps it has already identified. Actions might include the recommendations in this Practice Recommendation, and the Plan should include specific periods for completing actions.</p> <p><b>Recommendation 4:</b> Goldsmiths should publish on its website the Action Plan it’s developing, so that it’s fully transparent about the improvements it’s making.</p> <p><b>Recommendation 5:</b> Goldsmiths should use the Commissioner’s published <a href="#">FOI self-assessment toolkit</a> to improve its timeliness compliance.</p>
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	<p>In September 2024, Goldsmiths had indicated that it was developing an Action Plan to help it to restore its performance or to prevent it worsening.</p>	<p><b>Recommendation 6:</b> Goldsmiths should ensure that it has adequate levels of resource within its Information Rights team so that FOI requests, and internal reviews, are processed in a timely manner.</p> <p><b>Recommendation 7:</b> Goldsmiths must ensure that its information rights training is sufficient, so that it has adequate coverage in place. This is to prevent request handling times falling below a compliant level in the event of key staff members departing.</p> <p>As well as any established internal training and mentoring, any new or inexperienced FOI staff should be directed to the Commissioner’s published <a href="#">FOI learning resources</a>.</p> <p><b>Recommendation 8:</b> Goldsmiths’ request handling procedures should include provision for when a response is late or is likely to be late at any stage of the process. This should make it clear when to escalate, who to escalate it to, who is responsible for taking action, the action they’ll need to take, and by when.</p>
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	<p>In September 2024 Goldsmiths said that it had nine internal reviews outstanding with no capacity to respond to these until it had extra resource in place.</p> <p>On 1 November 2024 Goldsmiths indicated that it was dealing with seven internal reviews, received between June and October.</p>	<p><b>Recommendation 10:</b> Goldsmiths should ensure that internal reviews are carried out and the outcome communicated to the requester in a timely manner. In order to ensure that this happens consistently, Goldsmiths should refresh its procedures for carrying out internal reviews and ensure that these are effective and robust.</p>

## Reasons for issuing this Practice Recommendation

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The Commissioner is issuing a Practice Recommendation at this time, rather than an Enforcement Notice, because he recognises the circumstances Goldsmiths faces at this time and because it has engaged proactively and openly with the Commissioner. Goldsmiths has recognised that its compliance rate is not acceptable and has discussed the steps it's taking to recover and to become more resilient in the future.

This practice recommendation formalises the Commissioner's concerns and holds Goldsmiths accountable for improving its freedom of information request handling practices. In turn, this increases public confidence and trust in Goldsmiths' information rights practices.

## Other matters

It appears from its publication scheme that Goldsmiths doesn't currently publish its responses to previous FOI requests.

The Commissioner recognises the pressures on Goldsmiths' resources at this time. However, it should review its publication scheme and aim to publish a disclosure log as soon as possible. Goldsmiths should signpost the Commissioner to this information as soon as the log is published.

## Failure to comply

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The Commissioner cannot directly enforce a practice recommendation. However, failure to comply with a practice recommendation may lead to a failure to comply with FOIA, which in turn may result in the issuing of an enforcement notice. Further, a failure to take account of a practice recommendation may lead in some circumstances to an adverse comment in a report to Parliament by the Commissioner.

Reference: FPR0987681

Goldsmiths should write to the Commissioner by **31 March 2025** to confirm that it has complied with the Commissioner's recommendations and to explain how it has achieved this.

The Commissioner will have regard to this practice recommendation in his handling of subsequent cases involving Goldsmiths.