

Queen's University Belfast
Belfast
BT7 1NN
Northern Ireland
Tel 028 9097 5132
Fax 028 9033 0808
pvc.office@qub.ac.uk
www.qub.ac.uk

26 September 2007

Mr D Keenan
Studio 31
The Limehouse Cut
London
E14 6NQ

Dear Mr Keenan

I have now completed my review of your appeal, dated 13 July 2007, against the decision of the University's Information Compliance Unit not to supply you with information requested under the Freedom of Information Act (2000). In accordance with the University's Complaints Procedure, Section iii, I have considered both procedural and substantive issues.

With respect to the procedures, it is evident first, that there were some delays in communications, arising in part from the refusal and/or failure of the Post Office to deliver letters to the address printed on your notepaper. However, I do not believe that these delays impacted on the substantive issue and they were, in any case, largely surmounted by the resort to email.

Second, the Information Compliance Unit did fail to provide an initial response to your request within the required twenty days and also omitted to provide you at the appropriate stage with a copy of the appeal procedure. These lapses were acknowledged, respectively in an email of 11 May 2007 and a letter of 22 May 2007. It is not the case, however, as suggested in your letter of 13 July 2007, that the University denies all closure days as non-working days. Ms Veigh's letter to you of 21 June 2007 simply pointed out that the University was closed when your request arrived and consequently it remained unopened until University staff returned to work.

Third, it is clear that the Information Compliance Unit failed to pick up the reference in your original application to the International Tree Ring Data Base, although again this oversight was acknowledged, in a letter dated 21 June 2007.

Turning now to the substantive matter of the information requested, first it is not the case that all the data information you seek is held by the University in electronic form. The department's practice is to gather information in paper form, converting it into electronic form as and when time allows. This work is the responsibility of a single Research Fellow. It is then uploaded to the International Tree Ring Data Base, which, as you know, is freely available.



Second, the information which is held within the department in electronic form does not exist in the very precise categories which you have specified. To manipulate it into the specified categories would entail an amount of work vastly in excess of that allowed by the legislation. It would require someone to trawl through some two hundred published research papers, identify which individual tree ring samples comprise each data set, and then undertake further investigation to establish whether the data was in fact gathered by a member of staff or someone else. You will appreciate that this is no small task, given that the information relates to some thousands of individual tree samples from hundreds of sites.

The legislation does not oblige the University to comply with a request that exceeds the appropriate limits although it is recommended that institutions "should consider" what, if any, information might be provided within the cost parameters. In this respect, I am satisfied that the Information Compliance Unit's original decision is justified in terms of the likely time and expense involved in meeting your request.

In summary, therefore, I find first that while the University's Information Compliance Unit did not follow to the letter its own procedures for dealing with requests for information, this did not impact on the substantive issue. Second, I find that the information cannot be provided in the form requested within the time frames specified by the legislation.

Finally, I would confirm that should you be dissatisfied with the outcome of my review, you may appeal to the Information Commissioner, who may be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (email:notification@ico.qsi.gov.uk). I enclose a leaflet which provides further guidance.

Yours sincerely

Professor K D Brown
Pro-Vice-Chancellor
Education and Planning

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