

Northampton, UK
3 February 2009

Mr K N Hodgson BA
The Secretary to the Council
The University of Reading
Whiteknights House
PO Box 217, Reading RG6 6AH

By email k.n.hodgson@reading.ac.uk

Dear Mr Hodgson,

Complaints Panel Report

Thank you for your letter of 30 January 2009. To ensure that I do not make unjustified complaints to the ICO, it would be helpful if you clarify the brief report of your Panel.

You listed the documents that you considered, including "The University of Reading: Freedom of Information - Policy and Procedures". This contains no detailed description of your complaints procedure. Your document list did not include the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000, nor any of the relevant legislation. Am I am right to advise the ICO that your Panel appears not to have considered my complaint fully in accordance with the Code? Section 39, for instance, states:

The complaints procedure should provide a fair and thorough review of handling issues and of decisions taken pursuant to the Act, including decisions taken about where the public interest lies in respect of exempt information. It should enable a fresh decision to be taken on a reconsideration of all the factors relevant to the issue. Complaints procedures should be as clear and simple as possible. They should encourage a prompt determination of the complaint.

You state that the Panel was satisfied that the University now had in place a 'publication scheme'. Is this an admission that you accept that you did not have a satisfactory one until recently? I have just looked again and while it may now meet FOIA s.9(4) it does not appear to meet the EIR r.4 requirement that you "*progressively make the information available to the public by electronic means which are easily accessible and take reasonable steps to organize the information relevant to its functions with a view to the active and systematic dissemination to the public of the information.*" Do you not agree that your "contact us" requirement means that you have not "published" any information electronically but merely general indications of what information you might hold?

In my letter of 10 December, I had complained that no one other than Professor Hoskins himself had reviewed the information held by the University in his emails. Am I to understand that despite my concern, and the evidence that the Professor had demonstrated a firm intention not to disclose any unpublished IPCC information, that you had still not independently searched his information to establish whether or not there was further information that should be disclosed under the DPA, FOIA, or EIR?

Yours sincerely,

David Holland
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