

Decision Notice 168/2021

Supply of canine cadavers

Applicant: the Applicant

Public authority: University of Glasgow

Case Ref: 202100213



Scottish Information
Commissioner

Summary

The University was asked for various details relating to the supply of canine cadavers to its Veterinary School from 2017 to date.

The University estimated the total costs were in excess of the £600 limit in FOISA so it was not obliged to comply with the request. The Commissioner agreed.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1) and (6) (General entitlement); 12(1) (Excessive cost of compliance)

The Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004 (the Fees Regulations) regulations 3 (Projected costs) and 5 (Excessive cost – prescribed amount)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendices form part of this decision.

Background

1. On 2 March 2020, the Applicant made a request for information to the University of Glasgow (the University). The information requested can be summarised below (the full text of the request is set out in Appendix 2):

Part 1

All information relating to the supply of canine cadavers from 1 January 2013 to date (if too costly, the Applicant asked for the information from 1 January 2017 to date).

Parts 2 to 4

Numbers of canine cadavers (broken down by organisation/individual) received from local authorities, animal rescue centres, warden services or individuals/companies/organisations (dealing directly or indirectly with dogs) between 1 January and 31 December in each of the years 2017, 2018 and 2019.

Parts 5 to 8

For each of parts 1 to 4, names and contact details of any organisation/individual from whom cadavers had been received (with breakdown for each organisation/year), basis upon which dogs were euthanised, who performed euthanasia and contributions to costs of euthanasia and related services.

Part 9

Full details of the University's ethics committee decisions since 1 January 2013 in relation to the supply of cadavers.

2. The University responded on 30 March 2020, notifying the Applicant that it did not hold information for parts 1 to 4 inclusive, 6 and 9. It disclosed information for parts 7 and 8, withholding information covered by part 5 under section 38(1)(b) (Personal information) of FOISA.
3. On 8 April 2020, the Applicant wrote to the University, asking for a review of its decision on the basis that the University had not properly interpreted matters he believed were "self-evident". He emphasised that he was looking for information on the **supply to the**

University of canine cadavers and refused to accept the University's claims that (i) it did not hold certain information and (ii) certain other information was personal data.

4. The University notified the Applicant of the outcome of its review on 20 August 2020, with apologies for the delay in responding and for misunderstanding the request. The University confirmed its response to parts of the request, but also notified the Applicant that responding to other parts (particularly part 6, but also elements of parts 2, 3 and 4) would exceed the £600 cost limit set under section 12(1) of FOISA. It explained the estimated costs with other explanations on what was held, including personal data captured by this request.
5. On 19 February 2021, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated he was dissatisfied with the outcome of the University's review, submitting that section 12 was not engaged here. He also provided other comments on the University's handling of the request.

Investigation

6. The application was accepted as valid. The Commissioner confirmed that the Applicant made a request for information to a Scottish public authority and asked the authority to review its response to that request before applying to him for a decision.
7. On 10 March 2021, the University was notified in writing that the Applicant had made a valid application. The University was asked to send the Commissioner the information withheld from the Applicant under an exemption in Part 2. The University provided the information and the case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. On 1 June 2021, the University was invited to comment on this application and to answer specific questions. These included questions related to the costs estimated by the University.
9. The University responded on 15 June 2021, explaining its approach to estimating costs. By way of assistance to the Applicant in understanding its data, it also offered to disclose a document to the Applicant (and did so on 29 July 2021). The Document was entitled "Clinical Skills – Cadavers received from SSPCA centres 2017-2019".

Commissioner's analysis and findings

10. In coming to a decision on this matter, the Commissioner considered all the relevant submissions, or parts of submissions, made to him by both the Applicant and the University. He is satisfied that no matter of relevance has been overlooked.
11. The University indicated why it believed the costs of complying with elements of the request would easily exceed the £600 limit, with the result that section 12(1) of FOISA was engaged. This was in addition to citing other provisions relative to some of the information held. The Commissioner must first consider these estimated costs before he can look at any other provisions cited by the University.

Section 12(1) – Excessive cost of compliance

12. Section 12(1) of FOISA provides that a Scottish public authority is not obliged to comply with a request for information where the estimated cost of doing so would exceed the amount prescribed in the Fees Regulations. This amount is currently set at £600 (regulation 5).

Consequently, the Commissioner has no power to require the disclosure of information should he find that the cost of responding to a request for information would exceed that sum.

13. The projected costs the authority can take into account in relation to a request for information are, according to regulation 3 of the Fees Regulations, the total costs, whether direct or indirect, which the authority reasonably estimates it is likely to incur in locating, retrieving and providing the information requested in accordance with Part 1 of FOISA.
14. The authority may not charge for the cost of determining whether it:
 - (i) actually holds the information requested or
 - (ii) should provide the information.
15. The maximum rate a Scottish public authority can charge for staff time is £15 per hour.
16. In this case, the Commissioner is satisfied that the various parts of this request are so interlinked that they can only reasonably be considered as a single request for the purposes of determining whether section 12(1) applies.
17. The Applicant stated in his request that, if the cost of compliance exceeded the statutory limit, he would like to be provided with the relevant information for the period 1 January 2017 to date.
18. The University submitted that, for the data covering 2017 to date, it would require 118 hours work, at £15 per hour, giving a total cost of £1770 to provide the information to the Applicant. This was based on a search of 472 records (some paper and some electronic). The University provided the following breakdowns, by year:

Year	No of Cases	Source	Mins/record	Total mins
2017	205	paper	15	3075
2018	149	electronic	15	2235
2019	118	electronic	15	1770
total	472			7080mins = 118 hours

19. The University also stated that it had based its estimates on a combination of test exercises involving staff working in the veterinary post mortem facility. These staff were experienced in day to day operation of the systems. A shared spreadsheet only held some of the information capable of addressing the request, other detail requiring to be extracted from a paper records system of another, standalone database.

The Commissioner's findings

20. Given the detailed explanations provided by the University, it is clear that even the shorter time frame indicated by the Applicant (2017, 2018 and 2019) far exceeds the £600 threshold permitted in FOISA. Using experienced and knowledgeable staff is entirely appropriate here and the University has tested its methodology to provide these estimates. Only some of the information is held centrally, and some of it is located in paper systems and this has made the process of locating information more time consuming than simply querying a central database.

21. Having considered the nature of the work involved, the Commissioner is satisfied in all the circumstances that the University could not have complied with the Applicant's request within the £600 cost limit. Consequently, he finds that the University was entitled to rely on section 12(1) of FOISA and was under no obligation to comply with the request.
22. Given this finding, the Commissioner need not go on to consider any other provisions cited in the University's correspondence.

Decision

The Commissioner finds that the University of Glasgow complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by the Applicant.

Appeal

Should either the Applicant or the University wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Margaret Keyse
Head of Enforcement

19 October 2021

Appendix 1: Relevant statutory provisions

Freedom of Information (Scotland) Act 2002

1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

...

- (6) This section is subject to sections 2, 9, 12 and 14.

12 Excessive cost of compliance

- (1) Section 1(1) does not oblige a Scottish public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed such amount as may be prescribed in regulations made by the Scottish Ministers; and different amounts may be so prescribed in relation to different cases.

...

Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004

3 Projected costs

- (1) In these Regulations, "projected costs" in relation to a request for information means the total costs, whether direct or indirect, which a Scottish public authority reasonably estimates in accordance with this regulation that it is likely to incur in locating, retrieving and providing such information in accordance with the Act.
- (2) In estimating projected costs-
 - (a) no account shall be taken of costs incurred in determining-
 - (i) whether the authority holds the information specified in the request; or
 - (ii) whether the person seeking the information is entitled to receive the requested information or, if not so entitled, should nevertheless be provided with it or should be refused it; and
 - (b) any estimate of the cost of staff time in locating, retrieving or providing the information shall not exceed £15 per hour per member of staff.

5 Excessive cost - prescribed amount

The amount prescribed for the purposes of section 12(1) of the Act (excessive cost of compliance) is £600.

Appendix 2: the information request in full

Please can you provide me with the following information. Please note that each of the following questions refers to the supply of canine cadavers to School of Veterinary Medicine.

1. Please provide copies of all information held by the University relating to the supply of canine cadavers from 1st January 2013 to date. If the cost of compliance with this request exceeds the statutory limit, please provide the relevant information from 1st January 2017 to date.
 2. Please confirm specifically the number of canine cadavers received from local authorities, animal rescue centres, animal warden services or any individuals, companies or organisations dealing directly or indirectly with dogs, between 1st January 2017 and 31st December 2017. If more than one organisation or individual provided you with the cadavers, please provide a separate breakdown for each organisation and individual.
 3. Please confirm specifically the number of canine cadavers received from local authorities, animal rescue centres, animal warden services or any individuals, companies or organisations dealing directly or indirectly with dogs, between 1st January 2018 and 31st December 2018. If more than one organisation or individual provided you with the cadavers, please provide a separate breakdown for each organisation and individual.
 4. Please confirm specifically the total number of canine cadavers received from local authorities, animal rescue centres, animal warden services or any individuals, companies or organisations dealing directly or indirectly with dogs, between 1st January 2019 and 31st December 2019. If more than one organisation or individual provided you with the cadavers, please provide a separate breakdown for each organisation and individual.
 5. In relation to questions (1), (2), (3) and (4) please provide the names and contact details of any individuals or organisations from whom canine cadavers were received. Please provide a separate breakdown for each organisation or individual, and for each year.
 6. In relation to questions (1), (2), (3) and (4), please confirm the basis upon which the dogs were euthanised. If the dogs were stated to have been euthanised due to illness or injury, please confirm what measures are in place to confirm that this was the case.
 7. In relation to questions (1), (2), (3) and (4), please confirm whether the dogs were euthanised by:
 - i) any employee or former employee of the University (whether or not they were employed by the University, when they euthanised the dogs).
 - ii) any consultant to, or former consultant to the University (whether or not they were employed by the University, when they euthanised the dogs).
 - iii) any individual who provides, or has provided services to the University.
- Please also confirm whether any of the individuals in (i), (ii) or (iii) above subsequently used the cadavers in connection with their employment at the University or with the provision of services to the University.
8. In relation to questions (1), (2), (3) and (4) please can you confirm the following.
 - i) Has the University made any contribution towards the cost of euthanising the dogs, transporting the cadavers following euthanasia, or disposal of the cadavers.

- ii) Has the University provided the services (paid or unpaid) of any veterinary surgeons or trainees or students or any other individuals to the individuals, organisations or companies which supply the cadavers.
- iii) Has the University made any payments, directly or indirectly, to any individuals, organisations or companies, which collect, transport or deliver the cadavers.
- iv) Has any individual or organisation made payments on the University's behalf for the collection, transport or delivery of the canine cadavers.

If the cost of compliance with this request exceeds the statutory limit, please provide the relevant information from 1st January 2017 to date.

9. Please provide full details of all ethics committee decisions since 1st January 2013 in relation to the supply of the cadavers. Please include details of any submissions or applications made to the relevant committees, copies of any correspondence held in relation to the submissions or applications, copies of any notes taken during committee meetings and copies of the decisions made.

If the cost of compliance with this request exceeds the statutory limit, please provide the relevant information from 1st January 2017 to date.

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