



F07-25-MS Law Graduate Stymied in Request for Year and Class Rankings

A recent law school graduate requested two pieces of information from the university where he had obtained his degree:

- 1) his overall rank in each of the three years of study; and
- 2) his ranking in each of the classes he took in each of the years.

The university responded by providing an overall ranking list for one of the applicant's years of study, with the names of the other students removed. It said that as the Faculty of Law had abolished compiling and issuing an overall ranking of its students the following year and had never ranked the students on a class-by-class basis, this information was not available.

The graduate complained to us that the university had failed to meet its duty under section 6 of the *Freedom of Information and Protection of Privacy Act* ("FIPPA") to "make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely". He believed that the information he had requested on overall ranking must be available as it was used in the awarding of prizes and scholarships. Further, he argued that if the university did not have that information at hand, section 6(2) required it to create the records for him. Section 6(2) reads:

- 6(2) Moreover, the head of a public body must create a record for an applicant if
 - (a) the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise, and
 - (b) creating the record would not unreasonably interfere with the operations of the public body.

The university explained to us that creating the records the complainant had requested would necessitate hiring a programmer to write a program, test the program and then produce the records. It interpreted FIPPA as not imposing an obligation to incur the significant effort and expense required in this case to create a record that did not already exist.

In submitting his complaint to us, the graduate suggested an alternative remedy. If the university was not obliged to create the records he was seeking, he asked to receive instead copies of the class grades for each of the courses which he took (with the other students' names redacted) so that he could count the number of students who received higher grades than he did. We confirmed with the university that this information could be produced from its existing systems and that it was willing to create these records if doing so would resolve the complaint. The graduate agreed to this resolution.

We always encourage requesters and public bodies to work together to devise alternative solutions to produce the required information if it is not available in the format initially requested, and in this case it was helpful that the complainant had considered alternatives before seeking our assistance.