

Our Reference: FOI/DJ/2008/07/134  
Your Ref:

UNIVERSITY OF  
BIRMINGHAM

Legal Services

Director  
Mrs C M E Pike LLB  
Solicitor

**STRICTLY PRIVATE AND CONFIDENTIAL**

John Cross

(By Email)

4 November 2008

Dear Mr Cross

**Re: request for information under The Freedom of Information Act.**

Further to your request for information which was received on 14 July 2008.

Please find attached the University of Birmingham's response to your request for information.

You requested a review of the handling of this request. This has been undertaken, and my reply is attached.

If you are unhappy with the manner in which your request has been dealt with, you may ask for an internal review. A copy of the Complaints and Appeals procedure is attached. If you are not content with the outcome of the internal review, you have a right to apply directly to the Information Commissioner for a decision.

Please note our statement in respect of Copyright, which is also attached.

If you have any queries with regard to this letter, please do not hesitate to contact me.

Yours sincerely

FOIA  
University of Birmingham

Encs

**Your request for information read:**

Dear Sir or Madam, I am writing to request information under the Freedom of Information Act 2000.

Please can you provide me with the minutes of all meetings of the Russell Group of Universities taking place on or after 1 January 2007.

**On 17 July 2008, you provided clarification of the information being requested, as follows:**

I am writing to clarify my request of 14 July 2008. I would like to receive a copy of all minutes held by the University of meetings called or administered by the Russell Group of Universities ("Russell Group") for the specified period.

As you stated this organisation is a limited company. Any minutes of general meetings (including annual general meetings) of the company or meetings of the company's directors, managers or staff would fall within my request. The request would also include minutes of meetings of the universities in the Russell Group to discuss Russell Group policy.

To answer your questions:

(1) yes, I am requesting information relating to the limited company.

(2) The types of information I am looking for are the contents of minutes of meetings for the period specified in my request.

Please acknowledge receipt and confirm that the clarification provided is sufficient to process my request further.

**The University of Birmingham responds:**

Please see the refusal notice attached which explains why the University of Birmingham is unable to supply the information being requested.

## Refusal Notice

### Reasons for non-disclosure

#### **Section 41 Freedom of Information Act 2000 – Information provided in confidence**

#### **Section 43 Freedom of Information Act 2000 – Commercial interests**

##### 1) Meetings of the Russell Group

The meetings of the Company are private and the proceedings confidential. The Vice Chancellor of the University attends formal meetings of the Russell Group in his capacity as a Director of the Company and as such he is bound by the provisions of confidentiality. Any minutes of such meetings that are provided to the Vice Chancellor by the Russell Group are provided to him in his individual capacity as a Director and are not provided to the University. The University therefore does not hold the information but in so far as it may be held by the Vice Chancellor it is exempt from disclosure due to its confidential nature. The exemption is therefore Section 41 Information provided in confidence.

In part the function of the Russell Group is to develop and implement strategies on behalf of its members on a range of issues that affect the commercial dealings of the Company and its members. Disclosure of this information would detrimentally affect its dealings with government, employer and employee bodies, commercial partners and competitor institutions both at home and abroad. The exemption from disclosure is Section 43 Commercial Interests. The University has considered the Public Interest Test in respect of this exemption and has concluded that it is not in the public interest to disclose.

##### 2) Meetings of Working Groups

Various members of staff of the University have attended Working Group meetings held by the Russell Group. In most cases, minutes of such meetings have not been generated. In cases where minutes have been produced by the Russell Group, and have been provided to members of staff, they contain confidential information such that release of any transcript, whole or partial, would breach that confidence. The exemption is Section 41 Information provided in confidence.

In part the function of the Russell Group is to develop and implement strategies on behalf of its members on a range of issues that affect the commercial dealings of the Company and its members. Disclosure of this information would detrimentally affect its dealings with government, employer and employee bodies, commercial partners and competitor institutions both at home and abroad. The exemption from disclosure is Section 43 Commercial Interests. The University has considered the Public Interest Test in respect of this exemption and has concluded that it is not in the public interest to disclose.

**Internal Review into handling this request**

The University does not maintain a central record of the meetings of working groups conducted by the Russell Group at which members of staff had attended. It was therefore necessary in the first instance to contact the Russell Group to request information of any such attendances. On receipt of information from the Russell Group we contacted identified members of staff to ascertain whether: (a) they had attended meetings; (b) minutes had been produced; and (c) minutes were held within the University.

We have then obtained and considered the content of any minutes held.

We have then been obliged, due to provisions of confidentiality, to consult with the Russell Group before reaching a decision in response to your request.

It is regretted that this has been a lengthy process and we have been unable to complete it within 20 working days of receipt of your request.

## **University of Birmingham**

### **Freedom of Information**

#### **COMPLAINTS AND APPEALS PROCEDURE**

Complaints and Appeals against a Refusal Notice issued in response to a request for information must be made in writing to the University's Information Compliance Manager (address given below). Complaints in respect of the University's Publication Scheme can be made in the same way.

Complaints and Appeals will be acknowledged within five (5) working days of receipt. The Information Compliance Manager will then refer the matter to the University's Director of Legal Services or nominee for consideration. If the Director of Legal Services was involved in responding to the request at the first stage, then the University's Registrar & Secretary or nominee will be asked to investigate the matter.

The Director of Legal Services or the Registrar & Secretary as appropriate may, after having sought further information from the members of staff involved in dealing with the original request, seek to resolve the issue on the basis of the documentation submitted. Where the Director of Legal Services or the Registrar & Secretary requires further clarification, he/she may decide to meet with the members of staff involved in dealing with the original request.

A full response to the complaint will normally be sent direct to the Complainant(s) within fifteen (15) working days, or in the case of a complex review, especially when the public interest test is involved, within thirty (30) working days.

If, having received this response, the Complainant(s) remains dissatisfied, s/he may make an appeal to the Information Commissioner at the address below.

#### **Addresses for Correspondence**

Information Compliance Manager  
Legal Services  
The University of Birmingham  
Edgbaston  
Birmingham  
B15 2TT

Or: [foi@contacts.bham.ac.uk](mailto:foi@contacts.bham.ac.uk)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK95AF

## **The University of Birmingham**

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