

15 June 2009



Northavon House
Coldharbour Lane
BRISTOL BS16
1QD

Telephone 0117 931 7220

www.hefce.ac.uk

Dear Ms Braithwaite

**Request for information under the Freedom of Information Act (2000) – F2009/1880
– partial refusal notice (section 17)**

Thank you for your request, which was received on 17 May 2009. Your request is copied below:

“Please provide details of all communications and discussions, from January 1 2000 to the present day, pertaining to implementation of the Imperial College Act 1999 (to unite Wye College with the Imperial College of Science, Technology and Medicine). In this respect, please provide details of all communications and discussions with Imperial College, or with any other public or private body, pertaining to higher education and research activities at Wye.”

Under section 1(1) of the FOIA you are usually entitled to be told whether we hold any information that falls within the scope of your request and, if we do, to have that information provided to you except where it is covered by an exemption.

We are pleased to inform you that we do hold information that falls within the scope of your request. We have reviewed all of the relevant paper files, electronic files and e-mail folders and felt that the easiest way to present this to you would be in date order and therefore we have scanned the information into a number of .pdf files, which are attached with this response.

Some of the documents we identified also included information which was not related to your request. In these cases we have extracted the non-related information or marked redacted sections as “NRQ” (not related to query).

We have withheld the names of some members of staff under Section 40 (Personal Information) of the Freedom of Information Act 2000. Where this information has been redacted it is marked with "s.40". HEFCE considers it unfair to disclose the personal data of staff below a certain level of seniority. HEFCE's policy in this regard is to withhold the personal data of staff below the level of senior management. HEFCE is aware of the Information Commissioner's guidance on section 40, which states that it will normally be fair to disclose the personal information of a person acting in their professional capacity. However, HEFCE considers that its policy on redacting the names of less senior staff is compatible with the principles behind the Commissioner's view and section 40 generally, including the importance of ensuring the accountability of decision-takers for decisions affecting the public, and transparency about decision-making. The more junior staff are not ultimately responsible for major HEFCE decisions, which are always approved by senior management. Accountability and transparency are therefore properly provided for by disclosure of the names of senior management. Disclosure would be unfair because junior staff would not reasonably expect their details to be made public in this way. This approach has been extended to the names of junior employees from Imperial College; however, the names of senior staff in both HEFCE and Imperial have been disclosed.

So that we could consider all relevant factors in reaching our decision on disclosure we have informed Imperial College of the request and sought their views on disclosure in accordance with the Ministry of Justice's Code of Practice (issued under section 45 of the FOIA).

Copyright and appeals

The following section explains our standard approach to copyright and provides details of our appeals process should you feel dissatisfied with our response.

Some of the information that we provide in response to requests under the Freedom of Information Act will be subject to copyright protection. In most cases the copyright will be owned by HEFCE. The copyright in other information may be owned by another person or organisation, as indicated in the information itself.

You may use any information supplied for your own use, including for non-commercial research purposes. The information may also be used for the purposes of news reporting. However, any other type of re-use, for example, by publishing the information or issuing copies to the public will require the permission of the copyright holder.

Please note that it is your responsibility to determine whether there are any obligations of confidentiality or other legal obligations which restrict your ability to make onward disclosure of this material.

If you are dissatisfied with our response or feel that the exemptions have been wrongly applied you may refer your concerns to our Internal Appeals Panel. Your appeal should be received within two calendar months of our final response to you, after which time your request for information will be closed.

Should you wish to appeal, please write to:

Freedom of Information Officer
HEFCE
Northavon House
Coldharbour Lane
Bristol
BS16 1QD

Please state the reasons for your appeal. The Freedom of Information Officer will contact you to advise you of the outcome. Further details of the internal appeal process are available on our website. A printed copy is available on request.

If you are unhappy with the outcome of your appeal to HEFCE

Under Section 50 of the Freedom of Information Act 2000 you also have the right to complain to the Information Commissioner about an authority's compliance with the requirements of the Act in respect of a request for information that you have made. The Information Commissioner is likely to contact you to ask you to use the organisation's internal complaints procedure (we have called this our Appeals Process) before investigating your complaint further. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 700

Email: mail@ico.gsi.gov.uk (please note that this email may not be secure)

Please note that the Information Commissioner does, from time to time, impose time limits on the submission of complaints to its offices and therefore we would encourage you to ensure that any complaint you are considering making reaches them in good time.

You can find out more about the Freedom of Information Act and how it affects you from the Information Commissioner's website:

<http://www.informationcommissioner.gov.uk/>

Yours sincerely



James Button
HEFCE