

Our Reference: FOI/DJ/2009/09/131
Your Ref:

UNIVERSITY OF
BIRMINGHAM

Legal Services

Director
Mrs C M E Pike LLB
Solicitor

STRICTLY PRIVATE AND CONFIDENTIAL

Ben Whitehouse
What do they Know

(By Email)

2 October 2009

Dear Mr Whitehouse

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

Further to your request for information dated 4 September 2009, please find attached the University of Birmingham's response to your request for information.

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

Information Compliance Manager
Legal Services

Encs

Your request for information read:

I am writing to request information about your winter preparedness plans for the forthcoming semester. It's been widely reported regarding people's concerns around hygiene & how this relates to "swine flu".

I would like to know:

1. What winter preparedness and Swine Flu contingency plans you have in place?
2. How any decision to close or quarantine the university will be made and the processes in place to support the person who makes that decision?
3. What information will be made available to new and returning students as they arrive this year? For example "How to recognize the difference between Fresher's Flu and Swine Flu?" Also the costs relating to the production of this information. Any examples of the information (posters, leaflets etc) would be useful to be included in your response.
4. How will you be working with your student union regarding the dissemination of this information? What plans does the Student Union have regarding the swine flu pandemic?
5. How many students you estimate will be affected by the swine flu pandemic?
6. All progress/status reports and emails sent relating to the preparations of these materials, information and plans.

My preferred format to receive this information is by electronic means. If one part of this request can be answered sooner than others, please send that information first followed by any subsequent data. If you need any clarification of this request please feel free to email me. If FOI requests of a similar nature have already been asked could you please include your responses to those requests.

I would be grateful if you could confirm in writing that you have received this request, and I look forward to hearing from you within the 20-working day statutory time period.

The University of Birmingham responds:

The University of Birmingham is required to respond to a request for information made under the Freedom of Information Act 2000, if it holds the information being requested and one of the limited exemptions does not apply.

Under the Freedom of Information Act 2000 the Act states that an enquirer is entitled:

- To be told whether the information which they are requesting exists, and if it does
 - Receive a copy of that information unless one of the limited exemptions under the act applies.
1. What winter preparedness and Swine Flu contingency plans you have in place?

On 7th September 2009, you confirmed that you are enquiring about the University's plans for dealing with the Swine Flu pandemic.

Please see the attached document – Influenza Pandemic Response Plan. The refusal notice below explains why it has been necessary to redact parts of this document.

It should be noted that the Influenza Pandemic Response Plan has been developed as part of the University's normal contingency planning activity and not as a novel activity driven by the current Swine Flu pandemic.

The University of Birmingham has been working closely with its Medical Officer and the NHS to ensure that the University is kept up-to-date on the latest Government Medical advice.

2. How any decision to close or quarantine the university will be made and the processes in place to support the person who makes that decision?

Please see the attached Influenza Pandemic Response Plan.

3. What information will be made available to new and returning students as they arrive this year? For example "How to recognize the difference between Fresher's Flu and Swine Flu?" Also the costs relating to the production of this information. Any examples of the information (posters, leaflets etc) would be useful to be included in your response.

The University has information on its website, which can be found at:

<http://www.newscentre.bham.ac.uk/influenza/index.shtml>

The University's Academic Services information and regulations page takes students to the above web link.

The Important Information about Swine flu leaflet is available to students on:

http://www.has.bham.ac.uk/studentaccom/documents/Swine_Flu_Booklet.pdf

The University of Birmingham is working closely with the NHS and its Medical Officer to ensure that the most up-to-date medical advice is available to its students, via its websites.

4. How will you be working with your student union regarding the dissemination of this information? What plans does the Student Union have regarding the swine flu pandemic?

The University of Birmingham has been liaising with its Guild of Students whilst drawing up the Influenza Pandemic Response Plan.

The University of Birmingham Guild of Students is a separate legal entity from the University and is not subject to the Freedom of Information Act 2000. The University is therefore unable to provide any information relating to plans which the Guild may have in place.

5. How many students you estimate will be affected by the swine flu pandemic?

The University of Birmingham continues to monitor advice from the World Health Organisation and the Department of Health on the likely spread of swine flu; and is liaising with the University's Medical Officer at a local level.

The latest government guidance suggests that a significant proportion of the University's staff and students may be affected by the Swine Flu Pandemic.

6. All progress/status reports and emails sent relating to the preparations of these materials, information and plans.

Decisions taken by the University relating to the preparations for dealing with the pandemic are detailed in the Influenza Pandemic Response Plan, which summarises the information contained in preparatory material.

Refusal Notice

It has been necessary to redact information contained in the Influenza Pandemic Response Plan due to the following reasons:

Reasons for non-disclosure

Section 40 – Freedom of Information Act 2000 – Personal Information

It has been necessary to redact information which is classed as personal information under the Data Protection Act 1998 eg home and mobile telephone numbers. The University of Birmingham is happy to release the names of senior members of the University who sit on the main Contingency Planning Action Group. However it is not appropriate to release the names and contact details of the deputies as many of these individual's have an expectation of privacy under the Data Protection Act.

Section 38 – Freedom of Information Act 2000 – Health and Safety

The University of Birmingham has a duty to protect its students and staff. In the event that the University were to be closed due to the pandemic, staff could potentially be put at risk of harm if the location of Command and Control Suites etc were to be published in the Public Domain.

Section 31 – Freedom of Information Act 2000 – Law Enforcement

Section 31 (1)(g) states that information is exempt information if its disclosure under the Act would, or would be likely to, prejudice the exercise by any public authority of its function for any of the purposes in subsection (2).

Section 31 (2)(g) the purpose of protecting the property of charities from loss or misapplication.

If the University of Birmingham were to disclose information which would identify where its Command and Control Suites were; and/or the location where other emergency equipment and material is stored this could potentially lead to the University's properties being broken into and its assets taken.

Section 43 – Freedom of Information Act 2000 – Commercial Interests

Certain financial information and financial projections have been redacted within the Influenza Pandemic response Plan. The University is a public authority reliant on public funding and has a duty to maintain its competitive position in the market and to ensure that it maximises value for money in its commercial transactions. The disclosure of this information could adversely affect the University's ability to compete effectively.

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

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

The University of Birmingham

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