

Mr. David Holland

26 January 2010

Dear Mr. Holland

ENVIRONMENTAL INFORMATION REGULATIONS 2004 – INFORMATION REQUEST (FOI_09-174; EIR_09-24)

Your request for information received on 28 November 2009 for a spreadsheet sent as an attachment to an email of 28 July 2006 from Jonathan Overpeck has now been considered, and, upon consideration, it is, unfortunately, not possible to meet your request.

In accordance with Regulation 14 of the Environmental Information Regulations 2004 this letter acts as a Refusal Notice, and I am not obliged to supply this information and the reasons for exemption are as stated below:

Exception	Reason
Reg. 12(4)(a) – Information not held	The requested information was not held at the time of the request
Reg. 12(5)(b) – Disclosure would adversely affect a criminal enquiry	Information is held by the police in connection with a current investigation

We believe that Regulation 12(4)(a) applies to your request because the only location that this information was held on was on a backup server as the original information had been 'deleted' some years ago. Pursuant to an investigation carried out by the Norfolk Constabulary, the server upon which the requested information resided was taken from the University grounds on 24 November and now resides with the police forces conducting an investigation into a possible criminal offence. Therefore, at the time of the request, we did not hold the requested information, and we currently have no access to either the server or any of the material on it.

Regulation 12(5)(b) also applies to the data requested because the requested data is part of a larger set of data that is the subject of an ongoing police investigation. Such information is now under an embargo by the investigating forces and any disclosure would adversely affect the ability of that public authority to conduct the criminal enquiry.

Regulation 12(1)(b) mandates that we consider the public interest in any decision to release or refuse information under Regulation 12(4) and Reg. 12(5). In the case of Regulation 12(4)(a), there really is no consideration of the public interest as we simply did not, at the time of the request, nor do not now, have the requested

information. Turning to Regulation 12(5)(b), we feel that there is a strong public interest in protecting the ability of police forces to investigate criminal offences and that we should abide by established procedures by which evidence is gathered and used. Overall, we therefore believe that the public interest in non-disclosure of the information outweighs that in favour.

I should note that whilst we believe that it is possible that this material is already in the public domain due to the illegal penetration and use of University computing facilities, this does not relieve us of our obligations to address any request on its merits under the Regulations.

I apologise that your request will not be met but if you have any further information needs in the future then please contact me.

If you have any queries or concerns, or, if you are dissatisfied with the handling of your request please contact me at:

University of East Anglia
Norwich
NR4 7TJ
Telephone: 0160 3 593523
E-mail: foi@uea.ac.uk

You also have the right of appeal against the decision. If you wish to appeal, please set out in writing your grounds of appeal and send to me at the same address as noted above.

Subsequent to our determination of your appeal, you also have a further right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 745
www.ico.gov.uk

Yours sincerely

David Palmer
Information Policy and Compliance Manager
University of East Anglia