

Mr Bruce Beckles

by email

Reference: FOI-2010-32

12 March 2010

Dear Mr Beckles,

Your request was received on 12 February 2010 and I am dealing with it under the terms of the Freedom of Information Act 2000 (FOIA). You requested information about the types of restriction contained in the post-dismissal compensation settlement identified in response to a previous request for information by you dated 13 December 2009 (FOI-2009-148).

The types of restriction which may be included as standard practice in a compensation agreement are generally in mutual terms obliging both the employer and the former employee not to disclose the terms and existence of the agreement and not to make derogatory statements about the other. Terms may also relate to a former employee holding himself or herself out as employed by, or connected with, his or her former employer, or applying for re-engagement within a fixed period.

However, in so far as your request relates to the type of restriction contained in any specific settlement, this information is exempt under section 40 (personal information) of the FOIA, as the information constitutes the personal data of third parties. Section 40(2) provides that such data are exempt information if one of the conditions set out in section 40(3) is satisfied. In this case, disclosure of this information would breach the first data protection principle (fair and lawful processing), see Schedule 1, Part I, Data Protection Act 1998. As you are aware from the response to your abovementioned previous request, all the settlements in question included confidentiality clauses. These clauses were mutually binding on both the University and the former member of staff and gave rise to a reasonable and legitimate expectation that details of the terms of the agreement would not be made public. In the circumstances, disclosure of the information requested would represent a significant invasion of privacy and would be unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of individual data subjects.

For the avoidance of doubt, none of the settlements in question contained restrictions preventing the former member of staff entering University property or communicating with current employees.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of this decision, you should write to the Administrative Secretary,

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Trinity Lane
Cambridge, CB2 1TN

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Fax: +44 (0) 1223 332332

Email: foi@admin.cam.ac.uk

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UNIVERSITY OF CAMBRIDGE

Secretariat

quoting the reference above, at the Secretariat, The Old Schools, Cambridge, CB2 1TN. If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the University. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kirsty Allen'.

Kirsty Allen