



Information Services Directorate

Mr. Andrew Montford

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Dear Mr. Montford

**FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST  
(Our Ref: FOI\_11-165)**

Your request for information received on 18 July 2011 as clarified on 7 August 2011 has now been considered. Certain information requested is enclosed herewith and in a separate file attachment with this response. For your convenience, I have reproduced your request in the attachment to this letter and provided our response thereunder. I trust this will be to your satisfaction.

Further, in accordance with section 17 of the Freedom of Information Act 2000 this letter acts as a partial Refusal Notice, and I am not obliged to supply some of the requested information. The exemptions are clearly indicated within the attached document and the reasons for exemption are as stated below:

Exemption	Reason
s.36(2)(b)(i) & (ii), Prejudice to the conduct of public affairs	Release of some of the requested information would, or would be likely, to inhibit the free & frank provision of advice or the free and frank exchange of views for the purposes of deliberations
s.40(2), Personal information	Disclosure of information would contravene one of the data protection principles
s. 41(1) information provided in confidence	Release of some of the requested information would constitute an actionable breach of confidence
s.43(2), Prejudice to commercial interests	Disclosure of information would, or would be likely, to prejudice the commercial interests of a person as defined by the Act

Section 36(2) applies to some of the relevant information because, in the reasonable opinion of the 'qualified person' (the Vice-Chancellor), disclosure of this information would, or would be likely, to inhibit the free and frank provision of advice and the free and frank exchange of views with other University staff and relevant external parties for the purposes of deliberation.

The requested information contains information that meets the definition of 'personal information' as defined by section 1(1) of the UK Data Protection Act 1998 (DPA). It is our belief that disclosure of this information would be contrary to the first data protection principle under the DPA: namely that information be processed in a fair and lawful fashion and that the processing also meets at least one of the conditions set out in Schedule 2 of the Act. We do not have consent for the release of some of this information, nor are there any conditions present that would allow us to release under any of the other provisions of Schedule 2 of the DPA. This exemption has been invoked within the attached document where any redactions are marked.

Certain correspondence contains information, the release of which would constitute an actionable breach of confidence and be prejudicial to the commercial interests of the Outside Organisation. Were it to be released it would enable competitors in the same field of work to gain a commercial advantage in winning future business.

UEA recognises that there is a legitimate public interests in the promotion of accountability and transparency in the spending of public money and in securing more informed public debate about the issues of the day.

UEA also considers that when a public body has faced an unprecedented level of misinformed and overly-intrusive media scrutiny, as in this case, it should be able to engage appropriate external advice and to consult those advisers and its own senior management on strategy freely and frankly without fear that those discussions will subsequently be disclosed. There is a very strong public interest in allowing appropriate consultation to take place. The range of internal options explored and opinions expressed would be inhibited were such information to be subject to disclosure and the quality of reasoning and decision-making reduced if senior staff were not in a position to exchange views openly and honestly.

Its duty of care to its staff who are the subject of such scrutiny is fulfilled by the engagement of such advice and it would be seriously hindered in so-doing effectively were the details of those discussions to be disclosable. This is particularly the case given that the work which was the subject of such scrutiny was subsequently vindicated by a series of independent reviews.

It would not be in the public interest to damage the commercial interests of the outside Organisation and render them less competitive in their field of work, by the release of certain information. We have received their representations on this matter and have weighed them in reaching this decision.

Balancing the public interest in favour of disclosure against that in favour of exemption UEA concluded that the public interest in maintaining the exemptions is stronger given the compelling reasons cited above.

I would also add that any material released over which UEA has copyright is released subject to the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information released.

You have the right of appeal against this decision. If you wish to appeal, please set out in writing your grounds of appeal and send to me at:

University of East Anglia  
Norwich  
NR4 7TJ  
Telephone: 0160 359 3523  
E-mail: [foi@uea.ac.uk](mailto:foi@uea.ac.uk)

You must appeal our decision within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

You also have a subsequent right of appeal to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow, Cheshire  
SK9 5AF  
Telephone: 0303 123 1113  
[www.ico.gov.uk](http://www.ico.gov.uk)

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

Raymond Scott  
Assistant Director Strategy, Policy and Compliance  
University of East Anglia

## **Response to Freedom of Information request (FOI\_11-165)**

*I would like to received copies of all correspondence and other documents UEA has received from or sent to the Outside Organisation.*

Clarified as

*I want to receive all documentation related to Outside Organisation. You shouldn't read "sent to or received from" as restricting the scope of the request in any way.*

Copies of correspondence concerning the Outside Organisation are provided in the separate file attachment with this response 'App A\_data file.zip'.

### ***Information exempted pursuant to s.40(2), Freedom of Information Act***

For the reasons set out in the covering letter, certain personal information has been redacted in accordance with the Data Protection Act 1988.

### ***Information exempted pursuant to s.36(2)(b)(i) & (ii), Freedom of Information Act***

In addition, the release of certain information would, or would be likely, in the reasonable opinion of the qualified person for this institution, to inhibit the free and frank provision of advice, and the free and frank exchange of views for the purposes of deliberation and it is therefore withheld.

### ***Information exempted pursuant to s.41(1) & s.43(2), Freedom of Information Act***

In addition, the release of certain information would constitute an actionable breach of confidence and be prejudicial to the commercial interests of the Outside Organisation and it is therefore withheld.