

Mr. Andrew Montford

30 September 2011

Dear Mr. Montford

**FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST
(Our file: FOI_11-165)**

The appeal you have made of our handling of your original request of 18 July 2011 made under the Freedom of Information Act (our reference FOI_11-165) has been passed to me for review under the University's appeal process as described in our code of practice¹.

I have reviewed the files and can confirm that the process taken by the 'qualified person' (the Vice-Chancellor) in reaching his decision that section 36(2) applies to some of the information follows the good practice advice outlined by the Information Commissioner's Office². I have also taken the opportunity that is provided by the appeal process to ask the Vice-Chancellor whether he wishes to reconsider his application of section 36 to and of the requested information and he has confirmed that he does not.

I have reviewed the public interest arguments outlined in our letter of 26 August as they have been applied to the use of section 36 and I agree with the original assessment that the balance of public interest lies in maintaining this exemption.

Section 40(2) has been cited in that some of the requested information meets the definition of personal information as defined by section 1(1) of the UK Data Protection Act 1998, and having reviewed the files I agree that this exemption applies to some of the requested information and to information redacted from that already released to you.

Section 41(1) has been cited in relation to information about the cost of the services and the advice provided by Outside Organisation to the University. I have reviewed our files and can confirm that that this information was provided to the University in

¹ <http://www.uea.ac.uk/is/strategies/infregs/Freedom+of+Information+Act+Policy>

² http://www.ico.gov.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/EFFECTIVECONDUCTOFPUBLIC%20AFFAIRS.ashx

confidence and that breach of this confidentiality could potentially lead to legal action against the University. I agree that section 41(1) applies.

Section 43(2) has been cited in relation to information about the cost of the services provided by Outside Organisation to the University. Contract details are considered by the ICO to be the type of information that may affect commercial interests³. Additionally we have had representations from Outside Organisation confirming their belief that release of this information would affect their commercial interests. I agree that section 43(2) applies.

Both section 41 and section 43 are subject to a public interest test, I have reviewed the public interest arguments outlined in our letter of 26 August as they have been applied to the use of these exemptions and I agree with the original assessment that the balance of public interest lies in maintaining both exemptions. I would also add that the Information Commissioner advises that a duty of confidence should not be overridden lightly⁴.

We would now consider this to be our final position on the internal review of this matter, and would advise that if you are dissatisfied with this response, you should now exercise your right of appeal to the Information Commissioner at:

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

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

Yours,

Jonathan Colam-French
Director of Information Services

³http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/AWARENESS_GUIDANCE_5_V3_07_03_08.ashx

⁴ ibid