



Ref. FOI/20191216/1

20 January 2020

Reply to request for information under the Freedom of Information Act	
Your Ref	Your email of 18 December 2019
Address	WhatDoTheyKnow.com
Request	According to the Freedom of Information Act, I would like to request past (internal) examiners' reports for the First BM Part I Examinations (trinity term) from the years 2004-2015. If you do not have records back to 2004, please provide to the earliest year you do have. Thank you.

Dear Damien Wallace,

I write in reply to your email of Wednesday 18 December, requesting the above information.

Please find the reports for the period specified attached.

Section 40(2) exemption

We have redacted the names of examiners/assessors together with any other identifying information, such as examination results that could be attributed to one student, as we consider that this information is exempt from disclosure under section 40(2) of the Freedom of Information Act (FOIA). Section 40(2) provides an exemption from disclosure for information that is the personal data of an individual other than the requester, where disclosure would breach any of the data protection principles in Article 5 of the General Data Protection Regulation (GDPR). We consider that disclosure of the information requested would breach the first data protection principle, which requires that personal data is processed lawfully, fairly and in a transparent manner, for the reasons given below.

Disclosure would be unfair to the individuals concerned as it would be contrary to their reasonable and legitimate expectations. Examiners/assessors would not reasonably expect their names to be made public under the FOIA without their consent. Similarly, student would not reasonably expect information on their performance in examinations to be disclosed under FOIA without their agreement. (Please note that a disclosure of information under FOIA is presumed to be a disclosure to the world at large, and not just a disclosure to the individual making the request.)

For the disclosure of personal data to be lawful, it must have a lawful basis under Article 6 of the GDPR. There are six possible lawful bases in Article 6; we do not consider that any of them would be satisfied in respect of the disclosure.

The exemption in section 40(2) is an absolute exemption and is not subject to the public interest test provided for in section 2(2)(b) of the FOIA. To the extent that the public interest is relevant in this case, we believe that it is sufficiently met by disclosure of the material provided.

Section 43(2) exemption

We have also redacted any questions that were used in examination papers, as we consider this information to be exempt from disclosure under section 43(2) of the Freedom of Information Act (FOIA).



Section 43(2) provides that information is exempt where its disclosure would, or would be likely to, prejudice the commercial interests of any person. In our view, disclosure of the information requested would be likely to prejudice the University's commercial interests, by revealing information that would be of value to other institutions offering courses in Medicine. There is strong competition for students, both nationally and internationally. The examination questions and supplementary materials reproduced in these reports would indicate the particular approach taken by Oxford to particular topics or issues, and would be of interest and value to rival organisations, who could use the information to improve their own courses. The University's approach would be of especial interest to rival organisations because Oxford has been ranked as the world's best institution for medical health teaching and research¹ for the ninth consecutive year.² In addition, the nature of undergraduate medicine courses means that most higher education institutions use their own 'banks' of standard set examination questions, which can be reviewed and reused as required – such resources could be easily replicated to mimic Oxford's rigorous academic assessment.

Section 43(2) is a qualified exemption that requires the University to weigh up the public interest in disclosing the information requested, which is presumed under FOIA, against the public interest in withholding it. The University recognises that there is some public interest in disclosure of the examination questions. Generally, there is an interest in openness and transparency in the conduct of the University's affairs. More specifically, there is an interest in information relating to the performance of the Medical Sciences Division as the world's leading destination for studying medicine. However, we consider that the interest can be met without impairing the University's ability to compete with other institutions. The information released in the redacted documents contains detailed comments about each cohort's performance in the examinations, as well as suggested improvements for them. The course information available on the University's [website](#) covers content, structure, assessment methods and the resources available to students (including the four most recent internal examiner's reports) which, in our view, is more than sufficient to meet the public interest in disclosure. We therefore consider that the balance of public interests lies in favour of maintaining the exemption.

INTERNAL REVIEW

If you are dissatisfied with this reply, you may ask the University to review it, by writing to the Head of Information Compliance at the following address:

University Offices
Wellington Square
Oxford
OX1 2JD

Alternatively, you may request a review by e-mailing foi@admin.ox.ac.uk

THE INFORMATION COMMISSIONER

If, after the internal review, you are still dissatisfied, you have the right under FOIA to apply to the Information Commissioner for a decision as to whether your request has been dealt with in accordance with the FOIA. The Information Commissioner's address is:

Information Commissioner
Wycliffe House

¹ https://www.timeshighereducation.com/world-university-rankings/2020/world-ranking#!/page/0/length/25/sort_by/rank/sort_order/asc/cols/stats

² <http://www.ox.ac.uk/news/2019-11-19-oxford-named-best-medicine-ninth-consecutive-year>



Water Lane
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Tel: 0303 123113

Further information for submitting complaints to the Information Commissioner is available at <http://www.ico.gov.uk/complaints.aspx>

Yours sincerely,

FOI OXFORD