



David Black
request-108585-79fb653d@whatdotheyknow.com

05 April 2012

Our Ref: FOI 2012/70 – F0200266

Dear Mr Black,

Re: Freedom of Information (Scotland) Act 2002 – Request for Information

Thank you for your email which was received by the University on 08 March 2012 timed 08:24 hours, requesting the following information:

- 1). Has any member of the University's Senior Management Team been awarded a salary increase, or a one off payment, since 1st October 2009?**
- 2). If so, please provide the name of the person, date of the award, the amount of the award and the justification for the award.**

University's Response

- 1). Has any member of the University's Senior Management Team been awarded a salary increase, or a one off payment, since 1st October 2009?**

Please refer to point 2) below for details of payments agreed in October 2009 or later but effective from 1st August 2009.

- 2). If so, please provide the name of the person, date of the award, the amount of the award and the justification for the award.**

Five members of the Senior Management Team received a non-consolidated Performance Related payment effective from 1st August 2009 and payable over 12 months ending 31st July 2010. This award was agreed in October 2009 by the Remuneration Committee and arrears paid with their November salary, thereafter paid as a monthly amount until July 2010. The award was made as a result of the Review of Senior Management Group Salaries, 2008/2009. Anonymised information detailing any performance-review non-consolidated payments can be seen in the table below.

DATA PROTECTION AND FREEDOM OF INFORMATION OFFICE

Main Building, University of Glasgow, Glasgow G12 8QQ

Data Protection: Telephone: 0141-330-3111 E-Mail: dp@gla.ac.uk

Freedom of Information: Telephone: 0141-330-2523 E-Mail: foi@gla.ac.uk

The University of Glasgow, charity number SC004401

Name	Annual Amount of award (Effective from 1 st August 2009 and payable over 12 months ending 31 st July 2010).
SMG Member	£5000
SMG Member	£5000
SMG Member	£3150
SMG Member	£5000
SMG Member	£3150

Details of specific performance-related payments awarded to named individuals have not been released as (a) individual performance-related payment information are considered as personal data as defined in the Data Protection Act 1998 (“DPA”); and (b) the release of such payment information would be in breach of the data protection principles as set-out in the Data Protection Act 1998. Therefore the exemption from release of such information applies as specified under section 38(1)(b) and 38(2)(a)(i) of FOISA. The University takes the view that disclosure of such personal data would breach the following Data Protection Principles of the DPA:

Data Protection Principle 1:

Personal data shall be processed fairly and lawfully.

The release of the performance-related payment information on an individual basis will undermine the expectation of the individual that his/her personal data would not be released. In particular, the University notes the decision of the Information Commissioner in the decision relating to *The University of Cambridge (30 July 2007)*, in which the Information Commissioner states that a key factor to consider is whether there would be an expectation of disclosure.

Data Protection Principle 6:

Personal data shall be processed in accordance with the rights of data subjects.

The release of personal data would not be in accordance with that individual's rights to privacy. If the data were disclosed, it would constitute processing for an unspecified purpose.

Data Protection Principle 7:

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data.

The release of personal data may breach the requirement to keep such personal data secure.

Data Protection Principle 8:

Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects.

The release of personal data may result in a real risk of his/her personal data being displayed on the internet and thus viewable outside the EEA.

Pursuant to Sections 38(1)(b) and 38(2)(a)(i) of FOISA there is an absolute exemption if the disclosure would breach any of the Data Protection Principles of the DPA. For the purpose of this exemption alone, the University is not obliged to consider the public interest.

Name	Date Awarded	Amount of Payment	Justification of Payment
Andrea Nolan	01 August 2009	£0 - £10,000	New enhanced role as Senior Vice-Principal

Please note salary details for Andrea Nolan have been released in £10,000 banding as (a) the individual salary information are considered as personal data as defined in the Data Protection Act 1998 (“DPA”); and (b) the release of such salary information would be in breach of the data protection principles as set-out in the Data Protection Act 1998. Therefore the exemption from release of such information applies as specified under section 38(1)(b) and 38(2)(a)(i) of FOISA. The University takes the view that disclosure of such personal data would breach Data Protection Principles 1, 6, 7 and 8 of the DPA:

Data Protection Principle 1:

Personal data shall be processed fairly and lawfully.

The release of the performance-related payment information on an individual basis will undermine the expectation of the individual that his/her personal data would not be released. In particular, the University notes the decision of the Information Commissioner in the decision relating to *The University of Cambridge (30 July 2007)*, in which the Information Commissioner states that a key factor to consider is whether there would be an expectation of disclosure.

Data Protection Principle 6:

Personal data shall be processed in accordance with the rights of data subjects.

The release of personal data would not be in accordance with that individual’s rights to privacy. If the data were disclosed, it would constitute processing for an unspecified purpose.

Data Protection Principle 7:

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data.

The release of personal data may breach the requirement to keep such personal data secure.

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The release of personal data may result in a real risk of his/her personal data being displayed on the internet and thus viewable outside the EEA.

Pursuant to Sections 38(1)(b) and 38(2)(a)(i) of FOISA there is an absolute exemption if the disclosure would breach any of the Data Protection Principles of the DPA. For the purpose of this exemption alone, the University is not obliged to consider the public interest.

The supply of documents under the terms of the Freedom of Information (Scotland) Act 2002 does not give the applicant or whoever receives the information any right to re-use it in such a way that might infringe the Copyright, Designs and Patents Act 1988 (for example, by making multiple copies, publishing or otherwise distributing the information to other individuals and the public). The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order

2004 ensured that Section 50 of the Copyright, Designs and Patents Act 1988 ("CDPA") applies to the Freedom of Information (Scotland) Act 2002 ("FOISA").

Breach of copyright law is an actionable offence and the University expressly reserves its rights and remedies available to it pursuant to the CDPA and common law. Further information on copyright is available at the following website:

<http://www.ipo.gov.uk/copy.htm>

Your right to seek a review

Should you be dissatisfied with the way in which the University has dealt with your request, you have the right to require us to review our actions and decisions. If you wish to request a review, please contact the University Secretary, University Court Office, Gilbert Scott Building, University of Glasgow, Glasgow, Scotland G12 8QQ or e-mail: foi@gla.ac.uk within 40 working days. Your request must be in a recordable format (letter, email, audio tape, etc). You will receive a full response to your request for review within 20 working days of its receipt.

If you are dissatisfied with the way in which we have handled your request for review you may ask the Scottish Information Commissioner to review our decision. You must submit your complaint in writing to the Commissioner within 6 months of receiving the response to review letter. The Commissioner may be contacted as follows:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
Website www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

An appeal, on a point of law, to the Court of Session may be made against a decision by the Commissioner.

For further information on the review procedure please refer to (<http://www.gla.ac.uk/services/dpfoioffice/policiesandprocedures/foisa-complaintsandreview/>)
All complaints regarding requests for information will be handled in accordance with this procedure.

Yours sincerely,

Data Protection and Freedom of Information Office