

David Black
request-108xxxxxxxxxxxxx@xxxxxxxxxxxxxxxxx.xxx

5 April 2012

Our Ref: FOI 2012/83 – F0202191

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 9 March 2012 timed 13:18 hours, requesting the following information:

**“1. When was Robert Fraser (the Director of Finance) appointed to his current post?
2. What was his initial salary?
3. What is his current salary?
4. For each annual pay raise or bonus that he has been awarded since his appointment I wish to know:
- When was the pay raise / bonus approved?
- Who approved the pay raise / bonus?
- What was the amount?
- Was the payment a pay raise or a bonus?
- What was the justification for the pay raise / bonus?”**

University’s Response

When was Robert Fraser (the Director of Finance) appointed to his current post?

1st September 2004

What was his initial salary?

£90,001 - £100,000

What is his current salary?

£140,001 – £150,000

For each annual pay raise or bonus that he has been awarded since his appointment I wish to know:

- When was the pay raise / bonus approved?
- Who approved the pay raise / bonus?
- What was the amount?
- Was the payment a pay raise or a bonus?
- What was the justification for the pay raise / bonus?

Please see table below:

Amount of payment	Date Payment approved	Approved by	Description of payment	Justification of payment
£100,001 – £110,000	August 2005	Remuneration Committee	Increase to Annual Salary	Performance Related
£110,001 – £120,000	August 2006	Remuneration Committee	Increase to Annual Salary	Performance Related
£120,001 – £130,000	August 2007	Remuneration Committee	Increase to Annual Salary	Performance Related
£130,001 – £140,000	August 2008	Remuneration Committee	Increase to Annual Salary	Performance Related
£140,001 – £150,000	August 2009	Remuneration Committee	Increase to Annual Salary	Applied in accordance with RPI related increase of 5% for all staff
£0 – £10,000	October 2009	Remuneration Committee	Performance Related Payment	Performance Related

Please note salary details for Robert Fraser have been released £10,000 bandings 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 the following Data Protection Principles of the DPA:

Data Protection Principle 1:

Personal data shall be processed fairly and lawfully.

The release of the salary 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.

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: xxx@xxx.xx.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