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Mr. David Holland

24 February 2011

Dear Mr. Holland

**FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST  
(Our file: FOI\_11-034)**

Your request for information received on 27 January 2011 has been initially considered and some of the information requested is enclosed herewith. For your convenience, I have reproduced your request in the attachment to this letter and provided our response in line with each question. I trust this will be to your satisfaction

Pursuant to your rights under section 1(1)(a) of Freedom of Information Act 2000 to be informed whether information is held, we do not hold some of the requested information. Specifically, we do not possess any notes that Prof. Acton may have taken of certain conversations with Sir Muir Russell nor do we hold any recorded information instructing or permitting the ICCER to carry out certain records management functions, nor a specific email referred to in the Vice-Chancellor's email of 2 December 2009 previously released to you.

Additionally, it is our judgement that one element of your request for information will not be processed on the grounds that it is a repeat request. Specifically, your question "*Please confirm that the University now accepts that Sir Muir Russell carried out his Independent Review on behalf of the University and under contract to it*" is, in our judgement, a repeat of a request that we have recently responded to you on 26 January 2011, and accordingly, in accordance with s.14(2) and s.17 the Freedom of Information Act 2000 this letter acts as a Refusal Notice of that particular question.

The reasons that I have concluded that this question is a repeated request is that on 22 December 2010 we received an email from you that requested correspondence that comprised the 'contract' between this University and Sir Muir Russell. We believe that the question above is essentially asking for exactly the same information as your request of 22 December; namely the documents that comprise the 'contract' between the University and Sir Muir Russell. We have provided a response to that question which has subsequently undergone internal review pursuant to which you will have received a response earlier today.

I apologise that your request will not be met in full, but if you have any further information needs in the future, then please contact me.

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 3 593523  
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

David Palmer  
Information Policy and Compliance Manager  
University of East Anglia

**Response to Freedom of Information Act 2000 request  
(FOI\_11-034)**

*Thank you for your letter of 26 January 2011. I regret to say that I must, yet again, ask that you reconsider your response and advise that I shall later make further requests arising from this matter.*

*I am perplexed that the University does not consider that there was a contractual relationship between it and Sir Muir Russell, as you very kindly attached an email exchange which, though I am not lawyer, I am confident is proof positive that there was a contract, since:*

*(a) There is the unqualified acceptance by Sir Muir – “I am happy to sign up on this basis”.*

*(b) There is a specified “service” – “the Independent Review”, the terms of which were proposed in the attachment sent by the University and agreed by Sir Muir.*

*(c) There is a “consideration” offered by the University - £40,000 plus expenses and an unqualified undertaking to cover “fees” charged for the additional expertise required by Sir Muir.*

*(d) You have in response to another request revealed that the total cost to the University of the Independent Review was nearly £300,000.*

*[1] Please supply the draft announcement sent to Sir Muir and which he was happy to sign up to as this rather than what was published appears to be the basis of the agreement.*

The document is within the attached .pdf file entitled, Appendix A\_MR comments - Draft Statement - CRU

*[2] Please confirm that the University now accepts that Sir Muir Russell carried out his Independent Review on behalf of the University and under contract to it.*

***[Information not provided - s.14(2), Freedom of Information Act]***

We believe that this question is a repeat of your request dated 22 December 2010, to which we responded on 26 January 2011. The information provided with that request provides an answer to your request for confirmation regarding whether Sir Muir Russell carried out his work at the request of the University and whether a contract existed.

*[4] Please supply the earlier email from Professor Acton to Sir Muir referred to in the paragraph following point 5.*

***[Information not held - s.1(1)(a), Freedom of Information Act]***

The University does not hold the requested document.

*[5] Please supply any contemporaneous note Professor Acton took of the the “taxi” conversation referred to.*

***[Information not held - s.1(1)(a), Freedom of Information Act]***

No such notes exist

*[7] In particular I wish to see any document that instructs or permits Sir Muir to “centralise” or “consolidate” elsewhere all the information pertaining to the Review originally “held” by public authorities subject to FoIA/EIR and to then delete it from the original authority’s records.*

***[Information not held - s.1(1)(a), Freedom of Information Act]***

The University has no recorded information of such instruction or permission.