

C. Cullen (Kennedy)
request-613xxxxxxxxxxxx@xxxxxxxxxxxxxxxx.xxx

15 November 2019

Our ref: FOI 2019/269

Dear C.Cullen,

Request for Information under Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your email which was received by the University on 21 October 2019 requesting the following information:

1. **Copies of all commercial [University of Strathclyde] public liability insurance policy certificates with what is covered, policy numbers, providers and underwriters held by [University of Strathclyde]. In particular, make sure anything regarding 'pollution liability', 'policy enhancement' and 'schedules of exclusions' documents in relation to the commercial public liability insurance policy held by [University of Strathclyde University].**
2. **Copies of the 'certificate of indemnity' from [University of Strathclyde University] that may include the public insurance provider and underwriters, confirming that any injuries, damages or adverse health effects directly or indirectly arising out of, resulting from or contributed to by electromagnetic fields, electromagnetic radiation, electromagnetism, radio waves or noise, wireless RF radiation, microwave radiation, non-ionising radiation emitting devices and equipment.**

University's response

1. **Copies of all commercial [University of Strathclyde] public liability insurance policy certificates with what is covered, policy numbers, providers and underwriters held by [University of Strathclyde]. In particular, make sure anything regarding 'pollution liability', 'policy enhancement' and 'schedules of exclusions' documents in relation to the commercial public liability insurance policy held by [University of Strathclyde University].**

Information Governance Unit, University of Strathclyde, Room 2.74,
McCance Building, 16 Richmond Street, Glasgow G1 1XQ
Email: xxx@xxxxxx.xx.xt Tel: 0141 548 5994

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Appendix 1 contains a copy of the certificate confirming that the University of Strathclyde is a member of U.M. Association Limited (UMAL), and has cover in place for Public and Products Liability.

The certificate confirms the Certificate of Entry No., period of indemnity, limit of indemnity, and who cover is provided by.

The wording on our policy documents is commercially confidential between UMAL and the Members of the Association. UMAL is a mutual organisation, owned by its Members. The University considers that disclosure of further details about the policy would be likely to prejudice substantially the commercial interests of both UMAL (by prejudicing their ability to compete for business) and the University (by making it harder for the University to find appropriate and competitive insurance cover).

We are therefore refusing your request for further detail contained within the policy documents using the exemption in Section 33(1)(b) of the Freedom of Information (Scotland) Act 2002 which relates to information which would prejudice commercial interests.

The exemption in Section 33(1)(b) is not absolute and also requires the University to consider whether, notwithstanding the exemption, it is in the public interest to release the information.

The University has considered the public interest by applying the “public interest test”. That is, the University has balanced whether the release of the information is in the public interest against whether disclosure would substantially prejudice its own, or another person’s, commercial interests. The view of the Office of the Scottish Information Commissioner (OSIC), in its advice on the application of the “public interest test”, is that the public interest should not be interpreted as “of interest to the public”. That is, the potential release of the information must be in the interests of the public and not merely of individual interest.

The University acknowledges that there is a public interest in the finances of the University and who it does business with. However, there is also public interest in ensuring the ongoing success of the University by being able to operate and compete effectively in all areas of its business, including being able to find appropriate insurance cover which meets its requirements.

The University therefore concludes that the “public interest test”, as required when applying Section 33 of the FOISA, is met as the disclosure of the information requested would cause real, actual and significant harm to the commercial interests of the University and third party in question. The public interest in withholding the information is greater than the public interest in its release

2. Copies of the ‘certificate of indemnity’ from [University of Strathclyde University] that may include the public insurance provider and underwriters, confirming that any injuries, damages or adverse health effects directly or indirectly arising out of, resulting from or contributed to by electromagnetic fields, electromagnetic radiation, electromagnetism, radio waves or noise, wireless RF radiation, microwave radiation, non-ionising radiation emitting devices and equipment.

Appendix 2 contains a copy of the certificate confirming that the University of Strathclyde is a member of U.M. Association Limited (UMAL), and has cover in place for Professional Indemnity.

We are therefore refusing your request for further detail contained within the policy documents using the exemption in Section 33(1)(b) of the Freedom of Information (Scotland) Act 2002 which relates to information which would prejudice commercial interests for the reasons outlined above.

Copyright:

This information is supplied under the Freedom of Information (Scotland) Act 2002 and copyright in it belongs to the University of Strathclyde or to another party. Releasing this information to you under the Freedom of Information (Scotland) Act 2002 does not convey a right to reuse that information in a way that would infringe copyright. Copyright material must not be copied, stored, distributed, modified, reproduced, transmitted, published (including published on the internet or intranet) in any form or by any means or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Freedom of Information Review Procedure:

If you are unhappy with the University's response, please contact the Information Governance Unit by post or email to request a review of our actions.

Information Governance Unit
University of Strathclyde
Room 2.74
McCance Building
16 Richmond Street
Glasgow G1 1XQ

E-mail: xxx@xxxxxx.xx.xx

The University will then undertake an internal review and inform you of the result of that review.

All such requests for review should be made in writing, setting out in full the nature of the enquiry to which it pertains, and stating why you are dissatisfied with the response. A request for review should be submitted within 40 working days of either the date on which you received a response from the University or the date by which you should have received a response under the terms of the Freedom of Information (Scotland) Act 2002, whichever is the later.

Please note that links provided to information available elsewhere are intended to assist Freedom of Information access. Requests for information held by other public authorities and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to information which is directly under the control of the University of Strathclyde.

If the University is unable to resolve any complaint, you can contact the Scottish Information Commissioner, the independent body which oversees the Freedom of Information (Scotland) Act 2002. A complaint to the Commissioner must be made within 6 months from the date of the University's response.

The Commissioner has an online appeal service which can be accessed via www.itspublicknowledge.info/Appeal.

Alternatively, you can contact the Scottish Information Commissioner via the following methods:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Tel: 01334 464610

Website: www.itspublicknowledge.info

E-mail: enquiries@itspublicknowledge.info

Yours sincerely,

Information Governance Unit
University of Strathclyde