



Ref. FOI/20200926/1

23 October 2020

<b>Reply to request for information under the Freedom of Information Act</b>	
Your ref	Your email of 26 September 2020
Request	>The number of counsellors employed by the University from Black, Asian or from an ethnic minority background, broken down by category, for each year from 2016 to 2020  >The number of counsellors employed by the University who are LGBTQ+, broken down by year (2016, 2017, 2018, 2019, 2020)

Dear Ms Wright

I write in reply to your email of 26 September requesting the above information.

**Item 1**

2016/17: 5

2017/18: 5

2018/19: 5

2019/20: 5

2020/21: 5

**Item 2**

As the numbers are very small and because of the potential risk of identifying the relevant individuals, we are unable to provide you with this information.

In taking this measure, we are applying the exemption in 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 this information would breach the first data protection principle, which requires that personal data is processed fairly and lawfully. Disclosure would be unfair to the individuals concerned, as it would be contrary to their reasonable and legitimate expectations: they would not expect that information about their sexual orientation would be made available under the FOIA without their consent. 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, the University has taken it into account.

**INTERNAL REVIEW**

If you are dissatisfied with this reply, you may ask the University to review it, by e-mailing the Head of Information Compliance at [foi@admin.ox.ac.uk](mailto:foi@admin.ox.ac.uk). A request for internal review should be submitted no later than 40 working days from the date of this letter.

**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. You can do this online using the [Information Commissioner's complaints portal](#).

Yours sincerely

**Information Compliance Team**