



Ref. FOI/20200603/10

01 July 2020

Reply to request for information under the Freedom of Information Act	
Your ref	Email, via. whatdotheyknow.com, dated 03 June 2020
Request	All communication (this may include, for example: emails, minutes of meetings, etc.,) between any of the following entities: the Jenner Institute, Vaccitech and Oxford University Innovation referencing the ChAdOx1 nCoV-19 Vaccine, since January 1, 2018 until the most recent date.

Dear Shirley Do Nascimento,

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

### AGGREGATION OF REQUESTS

The University has received seven similar requests for information between the dates of 03 June 2020 and 05 June 2020 via. 'whatdotheyknow.com'. Four of these requests were specifically for correspondence between the University and various organisations in relation to the Covid19 vaccine being developed by the Jenner Institute and the Oxford Vaccine Group.

As these requests have (i) been made by applicants seemingly acting in concert, (ii) relate to similar information, and (iii) all received within a sixty consecutive working day period, the University, by virtue of regulation 5 of the *Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004*, has aggregated these requests. This means that the University will consider all four requests as one singular request going forward. The complete aggregated request can be found in Annex 1 of this letter.

### APPROPRIATE LIMIT (S.12 FOIA)

The information requested is not readily available from a single system, file or set of files, but would need to be collected manually from different departments, sections or individuals, and from information held in a number of different formats. There is no automated mechanism that would allow us to easily collate and review the information. There are approximately over two-hundred employees working on the development of the vaccine within the Jenner Institute and Oxford Vaccine Group alone. This figure does not include the many employees within the wider University who have been working to support the development of the vaccine through administrative and professional services.

A search of just one inbox, belonging to an employee who has been heavily involved with the agreements between the University and various organisations, has turned up 6250 emails from 01 January 2018. The majority of these emails were sent from 01 January 2020. A central search conducted on inboxes belonging to employees of Oxford University Innovation Limited has turned up over 38,000 emails. The University estimates that to identify all the individuals who may have communicated with the organisations listed in your request, search for the requested data, extract and collate the requested data, and determine if the data is

within scope of the request would take in excess of several hundred hours (based on it taking at least one minute to search for and assess a singular email). This far exceeds the defined appropriate limit. For this reason, we are refusing the request under section 12 of the Freedom of Information Act (FOIA). Section 12 allows a public authority to refuse a request for information if the authority estimates that the cost of complying with it would exceed the 'appropriate limit' prescribed in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the 'Regulations'). The appropriate limit for universities is £450, which, because the Regulations fix staff costs at £25 an hour, corresponds to a time limit of 18 hours or just over two working days.

Even if our estimate of the time required to locate and extract the information is incorrect, we consider that the University is also entitled to refuse your request under section 14(1) of the FOIA. The Information Tribunal has accepted that a public authority may use section 14(1) to refuse a request that would impose a disproportionate burden, after allowing for activities that cannot be taken into account under section 12 e.g. the time required to determine whether information is exempt or to redact exempt information. The information requested will contain personal data exempt under section 40(2) of the FOIA, as well as information that may be exempt for reasons of commercial sensitivity or legal privilege. The examination, analysis, and, where necessary, redaction, of thousands of emails in order to process a single request would represent a significant distraction from the core functions of the University, which at the present time include research into the development of a vaccine for a virus that has led to a global health crisis. We do not consider that such an exercise would be justified by any strong countervailing public interest. There is a public interest in the research but that interest can be met by the information that has already been published and that will be published in future.

### **REFORMULATED REQUEST**

The University is mindful of its obligation under section 16 of the FOIA to provide advice and assistance. You may wish to consider reformulating your request so that it is limited to a narrower timeframe and focuses on one particular aspect of the correspondence between the University and the organisations listed in your aggregated request. Even then, please note that not all the information requested will necessarily be available where the scope of the request is still considered to be over the appropriate limit or where another exemption from disclosure may apply – such as information which is considered to be commercially sensitive or which may attract legal professional privilege.

### **INTERNAL REVIEW**

If you are dissatisfied with this reply, you may ask the University to review it, by writing to the Head of Information Compliance by e-mailing [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**

## **ANNEX 1 – AGGREGATED FOI REQUEST**

- All communication (this may include, for example: emails, minutes of meetings, etc.,) between the Jenner Institute and Oxford University Innovation regarding the ChAdOx1 vector.
- All communication (this may include, for example: emails, minutes of meetings, etc.,) between any of the following entities: the Jenner Institute, Vaccitech and Oxford University Innovation referencing the ChAdOx1 nCoV-19 Vaccine, since January 1, 2018 until the most recent date.
- All communication (this may include, for example: emails, minutes of meetings, etc.,) between the Oxford University Innovation and Astra Zeneca referencing the ChAdOx1 nCoV-19 Vaccine or the ChadOx vectors since January 1, 2018 until the most recent date.
- All communication (this may include, for example: emails, minutes of meetings, etc.,) between the Oxford University Innovation and Vaccitech referencing the ChAdOx1 nCoV-19 Vaccine or the ChadOx vectors since January 1, 2018 until the most recent date.
- All communication (this may include, for example: emails, minutes of meetings, etc.,) between the Jenner Institute and Vaccitech referencing the ChAdOx1 nCoV-19 Vaccine or the ChadOx vectors since January 1, 2018 until the most recent date.
- All communication (this may include, for example: emails, minutes of meetings, etc.,) between the Jenner Institute and Astra Zeneca referencing the ChAdOx1 nCoV-19 Vaccine or the ChadOx vectors since January 1, 2018 until the most recent date.
- All communication (this may include, for example: emails, minutes of meetings, etc.,) between the Oxford University and the Serum Institute regarding the ChAdOx1 nCov-19 vaccine.