



Refusal notice s.43 (2) Freedom of Information Act 2000 (FOIA)

Information withheld.

20th May 2019

Dear Dirk,

Thank you for your freedom of information request as received by this office on 29th January 2020. I would respond to the question raised with the exemption as beneath:

This request (beneath in red) is being handled under the Freedom of Information Act 2000 and we confirm the data is held.

- Agreements and supplementary agreements with the Office of Chinese Language Council International (Hanban) and the Beijing Union University on the establishment / continuation of the Confucius Institute at University of Wales Trinity Saint David

Section 43(2) FOIA 2000

The University considers that disclosure of the information which relates to your request would be commercially sensitive under s.43 (2) Freedom of Information Act 2000 (FOIA 2000) and thus likely to prejudice the commercial interests of the University.

Whilst the University has had a relationship with the Confucius Institute (Hanban) for a number of years this was the subject of negotiation by senior University colleagues with Hanban to establish a framework for operation. The provision by the University of copies of the agreements involved in this framework may harm the University's ability to negotiate further with Hanban in the future which may in turn be detrimental to the University, its students and members of the public who benefit from the provision of the services offered by the Confucius Institute.

Therefore the University considers it more probable than not that harm would result from disclosing this information and that section 43(2) FOIA 2000 is therefore engaged.



Public Interest Test

The application of section 43(2) FOIA is the subject to the public interest test. We have considered where the public interest lies in this case and have taken account of the guidance issued by the Information Commissioner's Office in doing so. This requires that the information should be disclosed where that disclosure would be in the greater public interest. This requires consideration of the interests of the public at large, not public curiosity or individual or private group interests.

We have taken account of the fact that there is an assumption that disclosure is in the public interest and that there is a general public interest in transparency and accountability for decision making (and especially financial decision making using public funds). However, these are not expected to be considered in a vacuum and need to be balanced against other public interests which favour withholding information.

We consider that there is a high probability of prejudice from disclosure of the commercially sensitive information under FOIA because disclosure is considered disclosure to the public at large and, to the extent this information would be likely to negatively impact upon the day to day operations of the University. In addition, we do not consider that these granular details add anything to the aggregate information already disclosed when analysing the public interest in the University's accountability for its overall spending.

As such, we do not consider that the disclosure of this withheld information would be likely to further the public interest, but it would be likely to cause harm to the University.

If you wish to request a review of the information provided as part of this freedom of information request you may contact my colleague Lee Bartlett lee.bartlett@uwtsd.ac.uk. If you remain dissatisfied following the review you may appeal to the Information Commissioner at ico.org.uk. Alternatively, you may write directly to the Information Commissioner's Office. The Information Commissioner can be contacted at:

Information Commissioner's Office,

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF.

There is no charge for making an appeal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P H Osborne', followed by a long, sweeping horizontal stroke.

Paul Osborne BSocSc (Hons) LLM, Solicitor
Swyddog Diogelu Data / Data Protection Officer
Prifysgol Cymru Y Driondod Dewi Sant / University of Wales Trinity Saint David
Campws Busnes Abertawe SA1 1NE Cymru DU / Swansea Business Campus SA1 1NE
Wales UK
Telephone / Ffon 01792 481180
E Mail/E Bost paul.osborne@uwtsd.ac.uk

