



Michael Bimmler
By email

Reference: FOI-2017-386

19 September 2017

Dear Mr Bimmler,

Your request was received on 21 August 2017 and I am dealing with it under the terms of the Freedom of Information Act 2000 ('the Act').

You asked:

I'd like to request access to all emails, notes or meeting records held by the University's central administration or the University Press regarding the recent decision to block access to 315 articles in The China Quarterly within China and the subsequent reversal of that decision. You can restrict your search to records from August 2017.

This information, while held, is withheld under the following exemptions:

(a) Some of the information (principally correspondents' names and contact details) is exempt under section 40(3)(a)(i) of the Act because the release of that information would breach the first data protection principle (the fair and lawful processing of personal data) as set out in Schedule 1 of the Data Protection Act 1998. This part of section 40 confers absolute exemption under the Act.

(b) Some of the information (certain specific email exchanges) is exempt under section 42(1) of the Act because it comprises information in respect of which a claim to legal professional privilege could be maintained. As this is a qualified exemption, the University has considered whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The University is aware of, and has taken into account, general arguments concerning the transparency of its decision-making processes with regard to its overseas commercial operations. However, these arguments are in the University's view outweighed by the public interest in protecting its ability to take confidential legal advice in conducting its business.

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Registrary's Office

(c) Some of the information is exempt under section 43(2) of the Act on the grounds that its disclosure would be likely to prejudice the commercial interests of the University (including the University Press). This is because the information consists of strategic and operational exchanges aimed at determining the best approach to operating the Press as a commercial business. As this is a qualified exemption, the University has considered whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. While the University again acknowledges the general arguments concerning the transparency of its decision-making processes with regard to its overseas commercial operations – and has noted the substantial press interest in the topic – it has concluded that the importance of maintaining confidentiality in its commercial communications is a decisive factor in favour of the maintenance of the exemption in this case.

(d) In addition to the exemptions at sections 40(3)(a)(i), 42(1) and 43(2), each of which cover parts of the information, all of the information is further exempt under sections 36(2)(b)(i) and (ii) of the Act. In the reasonable opinion of the Vice-Chancellor (who is the University's 'qualified person' to make such decisions), its disclosure would be likely to inhibit both the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation. As these are qualified exemptions, the University has considered whether, in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information. The University again acknowledges the public interest factors in favour of disclosure as outlined above. However, it considers that the release of the information would be likely to have a fundamental chilling effect on the ability of its senior managers to adequately discuss important matters by correspondence, especially during periods of holiday absence, and to reach decisions on complex questions of academic freedom and commercial operation that are central to its identity as a major University running global businesses. The inability to retain a 'safe space' for such discussions – especially on matters that relate to its commercial operations – would be likely to lead to ineffective decision-making, which ultimately would be likely to prejudice its core mission 'to contribute to society through the pursuit of education, learning, and research at the highest international levels of excellence', and accordingly would not be in the public interest.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of this decision, you should write to Dr Kirsty Allen, Head of the Registrary's Office, quoting the reference above, at The Old Schools, Trinity Lane, Cambridge, CB2 1TN or send an email marked for her attention to foi@admin.cam.ac.uk. The University would normally expect to receive your request for an internal review within 40 working days of the date of this letter and reserves the right not to review a decision where there has been undue delay in raising a complaint. If you are not content with the outcome of your review, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the University. The Information Commissioner may be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (<https://ico.org.uk/>).



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Yours sincerely,

A handwritten signature in blue ink, appearing to read 'James Knapton', with a large, stylized flourish at the end.

James Knapton