

Our ref: FOI-22-151

21 July 2022

Paul Temple

Email: request-857181-1e9c36c6@whatdotheyknow.com

Dear Paul

Further to your FOI request received on 26 April 2022 please find below the University's response to your request.

The information requested:

I would like copies of all correspondence between QUB and Professor Dominic Bryan regarding his possible release/appointment to the Scottish Government working group into parades and public processions.

Also copies of all correspondence between QUB and the Scottish Government and civil servants regards Professor Dominic Bryan's release/appointment.

Lastly the costs that QUB will be invoicing the Scottish Government for Dominic Bryan's time and advice.

The University's response is attached at appendix 1. Please note minimal personal information has been redacted and information relating to costs associated with Dominic Bryan's time and advice.

Personal information is exempt under section 40(2) of the Freedom of Information Act 2000 and is therefore withheld. Under S40(2) of the Act, a public authority is exempt from disclosing personal information where it may breach any of the data protection principles. In this case, it is considered that disclosure of the information to you would contravene the requirement of the first data protection principle. The first data protection principle states that personal data must be processed "lawfully, fairly and in a transparent manner".

The Data Protection Act defines personal data as that which relates to a living individual, who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller. When assessing whether information could identify individuals, it is necessary to consider whether other information is available that, in combination with any other information, would result in a disclosure of personal data.

In determining whether the processing of personal data is fair, the University must consider the expectations of the data subjects. In particular, it is necessary to consider whether they would expect information identifying them to be disclosed to you by the University. The University is satisfied that they would not, and that the disclosure of personal information about them to you would, therefore, be unfair.

Section 40 of the Act provides an absolute exemption where disclosure of personal data about someone other than the applicant would contravene any of the data protection principles and, thus, there is no requirement for a public interest test.

Please note that information in relation to contract spend is not provided as it constitutes commercially sensitive information and is, therefore, exempt under section 43(2) of the Act. Section 43(2) of the Act provides that information is exempt if its disclosure under the Act would be likely to prejudice the commercial interests of any person, including the public authority itself. Commercial interests relate to the University's ability to successfully participate in a commercial activity. This could be the ability to

buy or sell goods or services or the disclosure of financial and planning information to market competitors.

In this instance, the University regards pricing information associated with consultancy/advice from QUB academics as sensitive due to the potential impact on future contracts of this nature. Disclosure of this information would, therefore, be likely to prejudice the commercial interests of the University itself, in so far as the ability of the University to negotiate in a cost effective manner would be negatively affected. Section 43(2) is a qualified exemption and the University must, therefore, consider where the balance of the public interest lies. The University has, therefore, weighed the prejudice caused by disclosure of the requested information against the likely benefit to the wider public. The University has taken into account the wider interest of the general public in having access to information on consultancy work and associated costing. The University considers, that in the circumstances of this case, there is a greater public interest in preserving the negotiating position of the University in securing the best price for consultancy work. In view of this, the University considers that the public interest in disclosure does not outweigh the public interest in maintaining the exemption.

If you are dissatisfied with the handling of part of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original request and should be addressed to the Information Compliance Manager c/o info.compliance@qub.ac.uk. Please remember to quote the reference number FOI-22-151 in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Information Compliance Unit