

Appendix B

Document: Student Lifecycle Project Board Minutes
Date of meeting: 10 September 2008

Exemptions:

Exemption applied: Section 38(1)(b) & 38(2)

The identity and position held of third party persons recorded in the minutes supplied in response to your request for information have been redacted as (a) the identities are considered as personal data as defined in the Data Protection Act 1998, and (b) the release of the identities and position held by those individuals would be in breach of the data protection principles as defined in the Data Protection Act 1998.

Therefore the exemption from release of the information applies as specified under sections 38(1)(b) and 38(2) of the Freedom of Information (Scotland) Act 2002. This exemption is an absolute exemption under the Freedom of Information (Scotland) Act 2002.

Exemption applied: Section 33(1)(b)

The University of Glasgow considers that some of the information in the minutes of the Student Lifecycle Project Board would be likely to prejudice substantially the commercial interests of both the University and the person/s recorded in the minutes.

Notwithstanding the result of the “harm test”, section 33 of FOISA does not provide an absolute exemption to the general entitlement to information. The University has therefore considered whether, notwithstanding the exemption, it is in the public interest to release the information.

The University has considered the public interest by applying the “public interest test”. That is, the University has balanced whether the release of the information is in the public interest against whether disclosure would substantially prejudice its own, or another person’s, commercial interests. The view of the Office of the Scottish Information Commissioner (OSIC), in its advice on the application of the “public interest test”, is that the public interest should not be interpreted as “of interest to the public”. That is, the potential release of the information must be in the interests of the public and not merely of individual interest. The public interest in the disclosure of the information requested is slight. The University of Glasgow operates in a very competitive environment and the public interest is in ensuring the continuing success of the University. The disclosure of the requested information would portray a misleading picture of the University’s financial position and would be likely to be detrimental to the public interest by adversely affecting the University’s relationships with stakeholders. This potential for the withdrawal of funding would substantially prejudice the commercial interests of the University of Glasgow.

In addition, the University must also consider the commercial interests of other person/s. This person/s operates in a distinct environment and any release of information concerning this aspect of its relationship with the University would be misleading and damaging. This would in turn be likely to substantially prejudice the commercial position of this person/s thus potentially jeopardising future funding agreements with the University of Glasgow.

The University therefore concludes that the “public interest test”, as required when applying section 33 of the FOISA, is met as the disclosure of the information requested would cause real and significant substantial prejudice to the commercial interest of the person/s in question. The public interest in withholding the information is greater than the public interest in its release.