



Our ref: FOI Review 2016/04 – F0692139

21 July 2016

Cameron Buchan  
request-340xxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx

Dear Mr Buchan,

**Freedom of Information (Scotland) Act 2002 – Review Outcome**

I write with regard to your request for a review of the University's response to your Freedom of Information request (Our Ref FOI 2016/181-F0682652:

**I am writing to request an internal review of University of Glasgow's handling of my FOI request 'David Newall Leaving'.**

**Your interpretation of the Freedom of Information Act Scotland (2012) is not correct.**

**Mr Newall is a senior manager at the University. His salary and various financial benefits awarded to him were disclosed by the University in response to a Freedom of Information Request on 27th March 2012 Your Ref: FOI 2012/63 – F0199039. Accordingly, invoking of the Data Protection Act principles when responding to my request is simply wrong.**

**A full history of my FOI request and all correspondence is available on the Internet at this address:**

**[https://www.whatdotheyknow.com/request/david\\_newall\\_leaving](https://www.whatdotheyknow.com/request/david_newall_leaving)**

I have reviewed your original request and the University's response and have also sought information from other sources including the Scottish Information Commissioner's website. I note that, when making our response, the information requested by you was, indeed, disclosed to you: there are no benefits (financial or non-financial) offered to Mr Newall in relation to his leaving the University.

Turning to your assertion that the University has misinterpreted the Freedom of Information Act, my conclusion is that the University was correct in referencing the

**Dr Dorothy Welch**  
**Deputy Secretary**  
**Court Office**

Main Building, University of Glasgow, Glasgow G12 8QQ  
Tel: +44 (0)141 330 4243/5852 Fax: +44 (0)141 330 4920  
Email: [Dorothy.Welch@glasgow.ac.uk](mailto:Dorothy.Welch@glasgow.ac.uk)

The University of Glasgow, charity no. SC004401

applicability of, section 38(1)(b) of the Freedom of Information (Scotland) Act 2002. This exempts the release of personal information where disclosure would breach any of the data protection principles contained in the Data Protection Act 1998, as it would in this instance. This exemption is intended to ensure that greater public openness does not compromise personal privacy. Having reviewed the response, I agree with the approach that an itemised list of all benefits (i.e. financial and non-financial) offered to David Newall in relation to him leaving the University of Glasgow is private and personal, with staff having no expectation of disclosure by the University. When conducting this review I was mindful of the following decisions by the UK Information Commissioner and the Scottish Information Commissioner which are in accord with the views of the University on this matter, the relevant URLs are included for your information:

Decision 191/2007 – Mr David Ewen of the Evening Express and Aberdeen City Council  
<http://www.itspublicknowledge.info/UploadedFiles/Decision191-2007.pdf>

Decision FS50550095 - Brecon Beacons National Park Authority  
[https://ico.org.uk/media/action-weve-taken/decision-notice/2014/1042714/fs\\_50550095.pdf](https://ico.org.uk/media/action-weve-taken/decision-notice/2014/1042714/fs_50550095.pdf)

However, whilst the University maintains that the information originally requested was indeed personal data and its disclosure would *normally* breach the previously referenced data protection principles, in this instance Mr Newall consented to the information being disclosed. Thus, a relevant condition from Schedule 2 of the Data Protection Act 1998 was met to allow the disclosure and provide a full response to your request.

I confirm that this letter signifies the end of the University's internal procedures. If you remain dissatisfied with the outcome of this review you can appeal to the Scottish Information Commissioner. You must submit your complaint in writing to the Commissioner within 6 months of receiving this response to review letter. The Commissioner may be contacted as follows:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St. Andrews  
Fife KY16 9DS  
Tel: 01334 464610  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Please be advised there is a right of appeal to the Court of Session against the Commissioner's decisions, but only on a point of law.

Yours sincerely,



Dr Dorothy Welch  
Deputy Secretary