

M. MacLean
request-374121-2fd1675@whatdotheyknow.com>

21 December 2016

Our Ref: FOI 2016/389 – F0762052

Dear M MacLean,

Re: Freedom of Information (Scotland) Act 2002 – Request for Information

Thank you for your email which was received by the University on 28 November 2016 timed 16:40 hours, requesting the following information:

1. **What is Mr Newall's Current Salary**
2. **What was his salary for each of the years between 2012 to present – and projected to his leaving date.**
3. **For each annual pay raise or bonus that he has been awarded since his that date I wish to know:**
 - **When was the pay raise / bonus approved?**
 - **Who approved the pay raise / bonus?**
 - **What was the amount?**
 - **Was the payment a pay raise or a bonus?**
 - **What was the justification for the pay raise / bonus?**
4. **Please also identify all and any payments in cash or in kind awarded to Mr Newall in addition to those requested above.**
5. **Please indicate if Mr Newall has been able to avail himself of the University's provisions for earnings from external consultancies for each these years. If so, please indicate which years tese have been operative**
6. **Please also provide details of Mr Newall's expenses claimed between the dates indicated here. These should be listed under the usual categories provided for in the University's expenses claims process (e.g. domestic travel; foreign travel; meals; subsistence; accommodation etc).**

University's Response

1. **"What is Mr Newall's Current Salary?"**
£150,001 - £160,000

When releasing details of senior staff salaries the University's practice is to disclose in bandings of £10,000 only. This practice is consistent with the information published in the University's Financial Statement and is also common practice within the Higher Education sector. The exception to this practice relates to the salary details of the Principal which are published in full. Accordingly, please see the table above and the response to Question 1.

The above information has been withheld as: (a) the individual salary information are considered as personal data as defined in the Data Protection Act 1998 ("DPA"); and (b) the release of such salary information would be in breach of the data protection principles as set-out in the Data Protection Act 1998. Therefore the exemption from release of such information applies as specified under section 38(1) (b) and 38(2) (a) (i) of FOISA. The University takes the view that disclosure of such personal data would breach the following Data Protection Principles of the DPA:

Data Protection Principle 1:

Personal data shall be processed fairly and lawfully.

The release of the salary information on an individual basis will undermine the expectation of the individual that his/her personal data would not be released. In particular, the University notes the decision of the Information Commissioner in the decision relating to *The University of Cambridge (30 July 2007)*, in which the Information Commissioner states that a key factor to consider is whether there would be an expectation of disclosure.

Data Protection Principle 6:

Personal data shall be processed in accordance with the rights of data subjects.

The release of personal data would not be in accordance with that individual's rights to privacy. If the data were disclosed, it would constitute processing for an unspecified purpose.

Data Protection Principle 7:

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data.

The release of personal data may breach the requirement to keep such personal data secure.

Data Protection Principle 8:

Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects.

The release of personal data may result in a real risk of his/her personal data being displayed on the internet and thus viewable outside the EEA.

Pursuant to Sections 38(1)(b) and 38(2)(a)(i) of FOISA there is an absolute exemption if the disclosure would breach any of the Data Protection Principles of the DPA. For the purpose of this exemption alone, the University is not obliged to consider the public interest.

2. “What was his salary for each of the years between 2012 to present – and projected to his leaving date”.

Effective Date	Salary (in £10k bandings)
1 August 2012	£140,001 - £150,000
1 August 2013	£140,001 - £150,000
1 August 2014	£150,001 - £160,000
1 August 2015	£150,001 - £160,000

Please see above for further information relating to the use of £10k bandings.

3. For each annual pay raise or bonus that he has been awarded

When was the pay raise / bonus approved?”

The Remuneration Committee sits at various times towards the end of the calendar year; however, payments have always been backdated to 1 August.

Who approved the pay raise / bonus?

The Remuneration Committee approved the raise. Further information can be found at the following link on page 4:

http://www.gla.ac.uk/media/media_491352_en.pdf

What was the amount?

The University has withheld the requested information as: (a) the details of performance related pay rises awarded to individual members of staff are considered as personal data as defined in the Data Protection Act 1998 (“DPA”); and (b) the release of such salary information would be in breach of the data protection principles as set-out in the Data Protection Act 1998. Therefore the exemption from release of such information applies as specified under section 38(1) (b) and 38(2) (a) (i) of FOISA. The University takes the view that disclosure of such personal data would breach the following Data Protection Principles of the DPA:

Data Protection Principle 1:

Personal data shall be processed fairly and lawfully.

The release of the salary information on an individual basis will undermine the expectation of the individual that his/her personal data would not be released. In particular, the University notes the decision of the Information Commissioner in the decision relating to *The University of Cambridge (30 July 2007)*, in which the Information Commissioner states that a key factor to consider is whether there would be an expectation of disclosure.

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Pursuant to Sections 38(1)(b) and 38(2)(a)(i) of FOISA there is an absolute exemption if the disclosure would breach any of the Data Protection Principles of the DPA. For the purpose of this exemption alone, the University is not obliged to consider the public interest.

Please see table above in response to Question 2.

Was the payment a pay raise or a bonus?

The payment was a pay rise.

What was the justification for the pay raise / bonus?

Performance.

- 4. Please also identify all and any payments in cash or in kind awarded to Mr Newall in addition to those requested above.**

No additional payments or bonuses have been paid within the requested time period.

- 5. Please indicate if Mr Newall has been able to avail himself of the University's provisions for earnings from external consultancies for each these years. If so, please indicate which years these have been operative**

The University of Glasgow does not hold the information that you have requested and is not aware of any other public authority that could respond to your request. Section 17 of FOISA states that where public authorities receive requests for information that they do not hold, they must issue a notice advising that they do not hold the requested information.

Please also provide details of Mr Newall's expenses claimed between the dates indicated here. These should be listed under the usual categories provided for in

the University's expenses claims process (e.g. domestic travel; foreign travel; meals; subsistence; accommodation etc).

The expenses of all members of SMG, which includes Mr Newall, are accessible from the following location:

<http://www.gla.ac.uk/services/finance/payandpensions/smgexpenses/>

Though the University of Glasgow does hold the information that you have requested, the information is exempt under section 25 of the Freedom of Information (Scotland) Act 2002, as it is otherwise accessible.

Please also see below for details of Mr Newall's expenses, prior to August 2013 (when they were first published on the University's website).

<u>Date</u>	<u>Amount</u>	<u>Description</u>
20/03/2013	21.80	Rail travel Glasgow/Edinburgh
20/03/2013	12.00	Rail travel - Luton single
20/03/2013	15.00	Rail travel - Thameslink to Luton
20/03/2013	22.50	Taxi travel - Glasgow Airport/Home
20/03/2013	104.50	Taxi travel – Meetings in Birmingham
20/03/2013	12.60	Rail travel - Glasgow/Edinburgh
04/12/2012	42.50	Site Visit, Birmingham & Glasgow
04/12/2012	128.40	AHUA Conference, Birmingham
04/12/2012	21.00	University Funding Policy Meeting, Edinburgh
04/12/2012	34.10	US Secretaries Meeting, Glasgow & Edinburgh

The supply of documents under the terms of the Freedom of Information (Scotland) Act 2002 does not give the applicant or whoever receives the information any right to re-use it in such a way that might infringe the Copyright, Designs and Patents Act 1988 (for example, by making multiple copies, publishing or otherwise distributing the information to other individuals and the public). The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order 2004 ensured that Section 50 of the Copyright, Designs and Patents Act 1988 ("CDPA") applies to the Freedom of Information (Scotland) Act 2002 ("FOISA").

Breach of copyright law is an actionable offence and the University expressly reserves its rights and remedies available to it pursuant to the CDPA and common law. Further information on copyright is available at the following website:

<http://www.ipo.gov.uk/copy.htm>

Your right to seek a review

Should you be dissatisfied with the way in which the University has dealt with your request, you have the right to require us to review our actions and decisions. If you wish to request a review, please contact the University Secretary, University Court Office, Gilbert Scott Building, University of Glasgow, Glasgow, Scotland G12 8QQ or e-mail: foi@gla.ac.uk within 40 working days. Your request must be in a recordable format (letter, email, audio tape, etc). You will receive a full response to your request for review within 20 working days of its receipt.

If you are dissatisfied with the way in which we have handled your request for review you may ask the Scottish Information Commissioner to review our decision. You must submit your complaint in writing to the Commissioner within 6 months of receiving the response to review letter. The Commissioner may be contacted as follows:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
Website www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

An appeal, on a point of law, to the Court of Session may be made against a decision by the Commissioner.

For further information on the review procedure please refer to
(<http://www.gla.ac.uk/services/dpfoioffice/policiesandprocedures/foisa-complaintsandreview/>)
All complaints regarding requests for information will be handled in accordance with this procedure.

Yours sincerely,

Data Protection and Freedom of Information Office