

Our ref: FOI/2223/459

Name: Ayush Kotecha
By email to: request-997931-dd9ce534@whatdotheyknow.com

1 August 2023

Freedom of Information Team

Legal & Governance
University of Liverpool
Foundation Building
765 Brownlow Hill
Liverpool
L69 7ZX

E foi@liverpool.ac.uk
<https://www.liverpool.ac.uk/legal/>

Dear Ayush,

Your request for information received on 3 July has now been considered. A response to your enquiry is provided below.

I have a request regarding information on the university's dentistry school. All questions are for last years UCAS cycle.

How many of the students admitted were studying A Levels? 59

How many of the students admitted were international? 5

How many of each category of students that I have mentioned above were:

- i. Rejected pre-interview*
- ii. Rejected post interview*
- iii. Given an offer*

	A Level*	International**
Rejected pre-interview	489	51
Rejected post interview	396	5
Given an offer	113	8

*** A level includes all equivalent school leaver level qualifications e.g. the International Baccalaureate, Scottish Advanced Highers etc.**

****International includes all non-home applicants i.e. Overseas and EU**

For each applicant, can I get their UKCAT score, their GCSE results, degree result or prediction, A Level results or prediction, pre-interview score and interview score? If it is not possible to give all the data within the time limit of 18 hours, I would ask the university give me a sample of randomised data such that the time and cost constraints are met.

We can confirm that the University holds this information; however, it is withheld because it falls under Section 40(2) (Personal Information) of the Freedom of Information Act.

The definition of personal data is set out in Article 4 of UK GDPR. 'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The University has considered that if it were to disclose the information by candidate, it could be possible to identify the individuals concerned. There is a risk that specific individuals could be identified with knowledge of achieved A-level scores and application status. An individual with knowledge of this matter may be able to use these specific details to attempt to identify the individuals involved. Therefore, the University believes the information constitutes personal data.

We have considered whether disclosure would breach any of the principles of the UK General Data Protection Regulation (UK GDPR). Article 5 sets out seven key principles which lie at the heart of the general data protection regime.

Article 5(1) requires that personal data shall be:

“(a) processed lawfully, fairly and in a transparent manner in relation to individuals (‘lawfulness, fairness and transparency’); and

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

The University does not consider this request to be a compatible purpose [Article 5(1)(b)].

We have also considered that data subjects would not have any reasonable expectation that these details would be made public [Article 5(1)(a)]. Disclosure would be unfair to the individuals concerned, as it would be contrary to their reasonable and legitimate expectations. Applicants would not reasonably expect that their application information would be made public under the FOIA without their consent. We do not consider that any of them would be satisfied in respect of the disclosure.

The University has concluded that it is neither in accordance with the GDPR principles nor in the public interest, to release this information. Section 40(2) is an absolute exemption and therefore not subject to the public interest test. This acts as our Refusal Notice.

I would also request for a copy of the interview form that the university uses to assess a candidate during the interview for the Dentistry course. This request is applicable for this years entry cycle and I would like the forms for interview for both the undergraduate and post graduate interviews.

I would also like to know what the selection process is when determining a candidates suitability for the five year course. If any form is used to assess this, I would also like a copy of this.

We can confirm that the University holds this information; however, it is withheld because it falls under Section 43(2) (commercial interest) of the Freedom of Information Act (FOIA).

Section 43(2) FOIA provides that an authority is not obliged to respond to a request for information if “its disclosure would, or would be likely to, prejudice the commercial interest of any person, including the public authority holding it”. Commercial interests may be prejudiced where a disclosure would be likely to:

- Damage its business reputation or the confidence that customers, suppliers, or investors may have in it
- Have a detrimental impact on its commercial revenue or threaten its ability to obtain supplies or secure finance
- Weaken its position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors.

We believe that our applicant assessment materials are commercial assets of the University. The University operates in a competitive environment where other institutions of higher education deliver similar products (undergraduate degree courses). By placing information on the nature of admissions assessment forms into the public domain, this would substantially prejudice our commercial interests. By sharing information that could indicate the assessment methods used publicly, other universities will gain an understanding of the

structure of admissions process. In addition, disclosing this information would give an unfair advantage to other students who may not have access to these documents.

As section 43(2) is a qualified exemption, the University has considered whether it would be in the public interest to provide the information, despite the exemption being applicable. When assessing whether it was in the public interest to disclose the information to you, we have considered the following factors:

Factors in Favour of Disclosure

- To give public assurance that assessment methods are fair and meet national standards.
- To demonstrate the University of Liverpool's commitment to the principles of accountability and transparency.

Factors Against Disclosure

- The Information Tribunal has acknowledged that universities have commercial interests (EA/2009/0034), and that UK Universities operate in a global market. The University operates in a competitive environment where other institutions of higher education deliver comparable products (undergraduate and postgraduate degree courses).
- Selection materials are commercial assets of the University. Placing these materials and their solutions into the public domain would prejudice our commercial interests.
- Disclosure under the Act is a disclosure to the public at large and not just to the requester. It may, therefore, be shared amongst competitor Universities. These competitors would gain an understanding the criteria we use in our selection process and use them within their own admission practices.
- It is also in the public interest is to ensure that no student is disadvantaged through the sharing of questions and other applicants do not have an advantage. Releasing these forms would potentially give some students an unfair advantage in the admissions process.

For the reasons outlined above, the University believes that the balance lies in favour of refusing the information at this time. This acts as our Refusal Notice.

If you are unhappy with the way we have handled your request for information, you have a right under Section 50 of the Freedom of Information Act to ask the University to review it; however, you must do so within 40 working days of the date of this response. Your request should include our reference number and explain the reason for requesting a review. Email foi@liverpool.ac.uk or write to the Freedom of Information Reviewer, Legal & Governance, University of Liverpool, Foundation Building, 765 Brownlow Hill, Liverpool L69 7ZX. We will respond to your request for an internal review within 20 working days of receipt.

Following an internal review, if you remain dissatisfied with the handling of your request, you have a right to appeal to the Information Commissioner at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 0303 123 1113 www.ico.org.uk/foicomplaints. There is no charge for making an appeal.

Yours sincerely

Kirsty Rothwell

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Freedom of Information Officer / Data Protection Co-ordinator
Legal & Governance