



10 November 2011

Reply to request for information under Freedom of Information of Act	
Ref	E-mail dated 7 October 2011
Address	WhatDoTheyKnow.com
Request	As detailed below.

Thank you for your request, and sorry for the delay in responding.

(a) Please supply under the freedom of information act, information relating to the recent blocking of hotmail messages, please include internal correspondence, liaisons with hotmail and all notifications sent to departments.

I attach correspondence between the staff involved in resolving the blocking of University messages sent to Hotmail accounts.

Other information falling within the scope of your request is exempt from disclosure, for the reasons given below.

Section 12 – Appropriate Limit

It may be that other members of the University sent e-mails relating to the blocking of messages to Hotmail accounts. However, given that there are over 100 departments or equivalent units within the University¹, we estimate that locating and retrieving all correspondence on this issue would take longer than the 18 hours required by the Freedom of Information Act (FOIA). Any correspondence sent by other members of staff is therefore exempt from disclosure under Section 12 of the FOIA. Section 12 enables a public authority to refuse a request for information if it estimates that the cost of complying with the request would exceed the appropriate limit prescribed in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The appropriate limit for universities is £450, which, because the regulations fix staff costs at £25 an hour, corresponds to a time limit of 18 hours.

Section 40(2) – Third party personal data

We have anonymised the attached correspondence, by deleting names or any other information that could be used to identify those involved. The disclosure of this information would be unfair to those individuals, and hence in breach of the first data protection principle, which requires that personal data is processed fairly and lawfully.

¹ http://www.ox.ac.uk/divisions/department_az.html

Those individuals would not have expected personal data about themselves to be made public as a result of their involvement in efforts to resolve the blocking problem. This part of the requested information is therefore exempt from disclosure, under section 40(2) of the FOIA, (read in conjunction with section 40(3)(a)(i) and (b)).

Section 41 – Information provided in confidence

During this incident, the University corresponded with Microsoft (as the owner of Hotmail). Microsoft regards this correspondence to be confidential. The disclosure of any information provided by Microsoft in this correspondence would be a breach of confidence that may be actionable by that company. Consequently, this part of the requested information is covered by Section 41 of the FOIA, which exempts any disclosure that would constitute an actionable breach of confidence. Section 41 is an absolute exemption, and, accordingly, there is no requirement to apply the public interest test.

Section 43(2) – Prejudice to commercial interests

The disclosure of confidential correspondence with Microsoft would be likely to prejudice the University's commercial interests, by harming its relationship with the company. It is therefore exempt from disclosure under Section 43(2) of the FOIA, which applies to information likely to prejudice the commercial interests of any person. (A person can be a public authority, a company, or any other legal entity.)

Section 43(2) is a qualified exemption that requires the University to weigh the public interest in favour of disclosure, which is presumed from the Act, against the public interest in withholding the information. The public interest in disclosure is very limited. The information relates to a technical problem, which has now been resolved. Action is in hand to identify any lessons from the incident and to reduce the likelihood of any repetition in future. Any interest in disclosure is outweighed by the public interest in the University maintaining a good working relationship with the company and an effective IT service to its staff and students.

(b) Please also supply details of any previous blocks by: AOL, yahoo, BT, Hotmail. Their causes and how long they lasted.

To the best of our knowledge there have been no blocks by any of these providers within the last five years. We are aware of a minor incident involving AOL in 2003, but no longer hold any recorded information about it.

Internal Review

If you are dissatisfied with this reply, you may ask the University to review it, by writing to the Registrar at the following address:

University Offices
Wellington Square
Oxford
OX1 2JD

Alternatively, you may request a review by e-mailing foi@admin.ox.ac.uk.

Information Commissioner

If, after the internal review, you are still dissatisfied, you have the right under FOIA to apply to the Information Commissioner for a decision as to whether your request have been dealt with in accordance with the FOIA. The Information Commissioner's address is:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow SK9 5AF

Tel: 0303 123113

Further information for submitting complaints to the Information Commissioner is available at <http://www.ico.gov.uk/complaints.aspx>

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