



Information Assurance and Governance
Office of the Principal

10 February 2020

Dear Jenna,

Freedom of Information (Scotland) Act 2002
Our Ref: 12-20

I refer to your enquiry received on 13 January 2020 asking to be supplied with the following information under the Freedom of Information (Scotland) Act 2002 ("the FOISA), covering the time period 1 January 2019 to the date of your enquiry:

1. All internal correspondence and communications that the Vice-Chancellor may have received that mentions, or refers to, the Chinese embassy.
2. All internal correspondence and communications that the Vice-Chancellor may have received that mentions, or refers to, the Chinese government.
3. All external correspondence and communications held by the Vice-Chancellor that mentions, or refers to, the Chinese embassy.
4. All external correspondence and communications held by the Vice-Chancellor that mentions, or refers to, the Chinese government.

I can confirm that following a search for documents containing the terms 'Chinese embassy' and 'Chinese government', a range of materials were found. Please find attached an inventory of those items (Appendix A).

Most of the information held by the University which falls within the scope of your enquiry is being disclosed to you. As required by FOISA, where disclosure has not been possible, details of the withheld information and the exemption applied in each case is given as detailed in Appendix A.

The rationale for applying each exemption is set out below.

1. Prejudice to effective conduct of public affairs

The exemptions available in FOISA, sections 30(b)(i) and 30(b)(ii) are being applied to withhold three documents. The University is of the view that disclosure of this information would inhibit substantially the free and frank provision of advice or the exchange of views for the purposes of deliberation.

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foi@st-andrews.ac.uk

The University requires private space to set out and explore potential partnership and developmental opportunities. The ability to freely exchange advice and views is fundamental to the effectiveness of this process. Disclosure of the information contained in the three withheld documents would have the effect of substantially inhibiting internal exchanges of this nature in the future. Disclosure would also compromise the University's operations should details of analysis and options appraisal be made public. The Scottish Information Commissioner came to a similar conclusion in Decision Notices 009/2020 and 182/2019, whereby the requirement for public authorities to have private space was recognised.

Public Interest Test

When applying the exemption available from FOISA section 30, the University is required to consider where the public interest lies i.e. is that interest best served by withholding or releasing the requested information. It is recognised that public authorities have responsibility to release information on their activities so that wider scrutiny can take place. The University, however, does not believe that any of the information being withheld could be classed as being of serious concern and benefit to the public. There is a public interest in the University being able to carry out due diligence and this relies on the integrity of the process which enables the provision of free and frank advice to be maintained. It would not be in the public interest for information to be disclosed which the University believes would have a negative impact on the University's operations.

On balance, the public interest is therefore better served by withholding the information.

2. Section 38(1)(b) – Personal Information

Three of the documents as detailed in Appendix A were found to contain personal information, disclosure of which would contravene data protection principle 1(a) in Article 5(1) of the General Data Protection Regulation i.e. that personal data shall be processed lawfully, fairly and in a transparent manner. The individuals concerned have no expectation that this information would be disclosed into the public domain. This information is therefore being withheld under the *Personal Information* exemption available from FOISA section 38(1)(b). This is an absolute exemption and not subject to the public interest test.

3. Section 33(1)(b) – Commercial Interests

The content of two documents is being withheld under section 33(1)(b) of the FOISA as the University is of the view that disclosure of this information would substantially harm its own commercial interests in the generation of revenue from partnerships with other institutions. The University operates in a competitive environment. It would cause significant damage to the University's commercial interests to disclose information that reveals commercial and educational partnerships being considered before any firm decisions have been made. Disclosure of this information would be to the detriment of the University as it provides intelligence which would be of significant value to other universities looking to develop their operations in the same way.

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The application of the commercial interests exemption is also subject to the public interest test. Alongside the public interest arguments outlined above, there is a strong public interest in the University being able to successfully foster and enter into partnerships which will further enhance its reputation globally and generate additional revenue to secure its operations. The public interest in this case therefore lies in the information being withheld.

Your right to seek a review of how your information request was managed

If you are not satisfied with the University's response and/or our reasoning set-out above, you have the right to request a review of our decision. The timelines in which this right is available are set out in section 20(5)(a) and (b) FOISA. In broad terms the right to seek a review must be exercised within 40 working days of receiving this response.

Any request for review should be put in writing or some other permanent form e.g. an e-mail and should be sent to the University of St Andrews, through the contact details provided below.

A request for a Review should:

- a) state your name and address;
- b) describe the nature of your original request; and
- c) explain the reasons why you are dissatisfied with our response.

Freedom of Information / Environmental Information
University of St Andrews
Butts Wynd (Building)
St Andrews
Fife
KY16 9AJ

Email foi@st-andrews.ac.uk
Telephone +44(0)1334 462776

If you remain dissatisfied with how your request for information has been dealt with following Review, you also have the right to apply to the Scottish Information Commissioner (SIC) for a decision. In the event of an appeal to the SIC, the Commissioner will generally only be able to investigate the matters raised in the request for review.

Details on how to make an appeal online to the SIC can be found on their website: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Alternatively/

Information Assurance and Governance
01334 462776
foi@st-andrews.ac.uk

Alternatively, you can contact the SIC by post, telephone or email at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife KY16 9DS

Telephone: 01334 464610

E-mail: enquiries@itspublicknowledge.info

Website: www.itspublicknowledge.info

This concludes the University's response.

Yours sincerely

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Information Assurance and Governance Officer

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