

Date: 19 September 2019

Ref: 162_manthorpe_advertising clearing

Dear Mr Manthorpe

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Your request for information received on 7 September 2019 has now been considered and I can confirm that Glyndŵr University does hold the information that you have requested.

Can you please provide subtotals for the following categories (feel free to break them down further if that's appropriate):

1. Facebook
2. Instagram
3. Google - that is, search advertising
4. YouTube
5. Snapchat
6. Twitter
7. Other social networks (please specify)
8. Amazon
9. Online - that is, on websites excluding social networks, or those websites those listed above (this includes advertising using Google's ad network)
10. Television
11. National newspapers
12. Local newspapers
13. Magazines
14. Posters and billboards
15. Radio
16. Public transport billboards

Can you also provide an example of an ad in each of the above formats.

For the online forms of advertising, can you also tell me how many clicks each advertisement received. Can you also provide any other data you have which indicates the engagement with each ad.

For Google advertising, can you list which keywords you advertised against. Can you please indicate the cost-per-click in each case.

For Facebook, can you please supply

- A list of the interests and/or demographics you targeted
- If you used custom audiences, where you derived the data to make that custom audience from

However, we are withholding the information since we consider that the following exemptions apply to it.

Rydym yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg. Rhwch wybod inni os hoffech chi dderbyn gohebiaeth yn y Gymraeg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh or English. Please let us know if you wish to receive correspondence in Welsh. Corresponding in Welsh will not lead to a delay.

Section 43(2)– Commercial Interest

Section 12 – Where the cost of compliance exceeds the appropriate limit

Where exemptions are relied upon, Section 17 of Freedom of Information Act requires that we provide the applicant with a notice which:

- A) States that fact
- B) Specifies the exemption(s) in question; and
- C) State (if that would not otherwise be apparent) why the exemption applies

Exemption - Section 43(2):

The University has declined to provide you with the information requested under exemption 43, section (2) of the Freedom of Information Act, which states that:

2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The Information Commissioner's guidance explains that organisations compete by offering something different to their rivals; this difference can include the University's marketing strategy, channel use, key search words and results. This marketing strategy is based on experience and knowledge of the University.

Placing the requested information into the public domain would reveal the University's target market and thereby provide information and an understanding to competitors which would afford them a distinct advantage within the market. The University's future competitive edge would be jeopardised. As such the University considers that the release of the information would have a real and significant potential to detrimentally impact its ability to operate in a competitive market, prejudice its current and future planning and could consequently cause irreparable damage to its future business.

The Information Commissioner's guidance explains that very often, in a commercial environment, the timing of the disclosure will be of critical importance. The application of any exemption has to be considered in the circumstances that exist at the time the request is made, and circumstances (for example market conditions) will change over time, and through this passage of time information generally becomes less commercially sensitive. The University recognises the justification for this argument, however in this instance the University believes that the information would be valuable commercially as it would give a rival an insight which would assist with informing and formulating their own business plans.

The University is satisfied that the information requested would be likely to prejudice its commercial interests, however the exemption can only be maintained if the University believes the public interest in withholding the information outweighs the public interest in disclosing it.

Please see details of the public interest test below.

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The University recognises that the release of such information would facilitate University transparency and demonstrate the use of, and accountability of resources; therefore enabling the public to have an increased understanding of the University (and is therefore of benefit to the community), which in turn would generate confidence in the integrity of the procedures involved in decision making. Instances that strengthen the argument for release are situations where there is evidence or suspicion of wrongdoing, however in this instance there is no wrongdoing (or suspicion). The release of raw information can also provide the public with details which would allow for scrutiny and removes the potential for spin and manipulation of facts.

The University however believes that there is also a strong public interest in ensuring the University is able to operate effectively and in a fair environment, and that there is a level playing field for all parties and that there is fair competition for public sector operations and contracts; as this in turn has an effect on the products/services available.

To summarise the public interest test: The University has considered all the relevant factors in the public interest test and has reached the conclusion that the benefit to the public in applying the exemption outweighs the public interest in releasing the information requested, as a result of the prejudices and losses that would potentially affect the University.

Therefore in conclusion, the University has reached the decision that the release of the information requested would be likely to be prejudicial to the commercial interests of the University, and that the public interest in withholding the information is greater than the public interest in releasing the information, and as such the information is being withheld under section 43 of the Freedom of Information Act.

Exemption - Section 12(1):

For the request where *'an example of an ad in each of the formats'* is requested Exemption S12(1) is being applied as compliance would require a manual process which would exceed the appropriate limit. Under section 12(1) of the Act, the University as a public authority is not obliged to comply with an information request where to do so would exceed the designated cost limit.

The University is not obliged to comply with any information request where the prescribed cost of supplying you with the information exceeds £450. The £450 limit applies to all public authorities (non-central government departments) and is based on work being carried out at a rate of £25 per hour, which equates to 24 hours work per request. Prescribed costs include those which cover the cost of locating, retrieving and extracting information. They do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or disbursements such as photocopying or postage.

If you are dissatisfied with the handling of your request or wish to request an internal review please contact the Freedom of Information Officer at foi@glyndwr.ac.uk within 40 days of receiving the University's response.

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A senior member of staff, who has not been involved with the request, will undertake an internal review to ensure that due process has been followed and to determine whether or not sound reasoning in line with the FOIA or EIR has been followed. You may raise a complaint where you believe we have:

- Failed to respond to your request within the time limits (normally 20 working days)
- Failed to tell you whether or not we hold the information
- Failed to provide the information you have requested
- Failed to explain the reasons for refusing a request
- Failed to correctly apply an exemption or exception

You will be informed of the outcome of the internal review within 40 working days, in line with the Information Commissioner's guidance. The Review will either uphold the original decision, provide additional explanation of the exemption/exception applied or release further information, if it is considered appropriate to do so.

You can also complain to the Information Commissioner at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF
www.ico.org.uk

Yours sincerely

Freedom of Information
Glyndŵr University

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