



Information Assurance and Governance
Office of the Principal

9 March, 2018

Dear Mr Pani,

Freedom of Information (Scotland) Act 2002
Our Ref: 32-18

I refer to your request for information and subsequent clarification received on 9 February, 2018 under the Freedom of Information (Scotland) Act 2002 ("the FOISA"). I confirm the information held by the University is being partially released to you and explanation is provided where information is being withheld.

- 1) *What is the total amount that the university received in funds for research, industrial consultancy fees and/or funded researches from government, NGO or private companies in financial years 2012/13 to date? The information should be broken down by organization or company name, year per year.*

Table 1 of Appendix A provides the total amount of funds received by the University for research, industrial consultancy fees and/or funded researches from government, NGO or private companies during the specified reporting period.

Table 2 of Appendix B provides the requested breakdown for all the publically funded contracts. This breakdown does not include details of funding from commercial funders and this information is being withheld under section 33(1)(b), *Commercial Interests* and section 30(c), *Prejudice to effective conduct of public affairs* of the FOISA. Full details of the application of these exemptions are set out below.

- 2) *A portfolio statement for the funds the university has investments in. If you do not have a copy of it, can you provide a list of funds and corresponding management companies? Details should be broken down year by year, for financial years 2012/13 to date.*

Each year the University publishes its *Reports and Financial Statements alongside an Investment list* and these are made available on our website at: <https://www.st-andrews.ac.uk/staff/money/financialstatements/>.

As the information held by the University and provided in response to this part of your enquiry is already publically available, section 25(1), *Information otherwise accessible* of the FOISA is applicable. The University has responsibilities to the taxpayer and other

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stakeholders to provide value for money. Where the University has expended resource to proactively make information available through its Freedom of Information publication scheme and the public interest is best served by referring an applicant to that alternative source, then it will do so. Please note that this exemption is absolute and does not require validation through application of the public interest test.

- 3) *Can you provide details of research projects (such as executive summary and details of reports' publication, university department and researchers' names) of projects whose funds exceed £50,000, in the same period of time (2013-2017)?*

Table 3 of Appendix A provides a summarised list of publically funded projects in excess of £50,000 giving details of the School, researcher, sponsor, award amount and project title.

The University has a Research portal which makes available information on our publicly funded research projects and can be accessed from our website at: <https://risweb.st-andrews.ac.uk/portal/en/projects/index.html> . The Advanced search facility allows you to search the portal in different ways to meet individual requirements e.g. by funding organisation.

The list provided in Appendix A will help facilitate interrogation of the Research portal for any additional information required on funded projects such as publications. As the information available through the Research portal is otherwise accessible to you section 25(1) of the FOISA is also being applied in this respect.

As previously indicated, information relating to funding from commercial funders is being withheld under sections 33(1)(b) and 30(c) of the FOISA as set out below.

Section 33(1)(b) - Commercial Interests

The University has not included in its response a breakdown of the information requested at question 1 and 2 relating to funding from commercial funders. These are commercial contracts that the University enters into where the funder has rights to and interest in the resulting outputs and intellectual property. There are also confidentiality terms and conditions attached to contracts of this nature.

The University is of the view that disclosure of this information would be likely to prejudice substantially the commercial interests of the University and the companies concerned, both of which operate in a highly competitive market. This information is therefore being withheld under section 33(1)(b), *Commercial Interests* of the FOISA. It is believed that harm would be caused through disclosure of this information as follows:

- a. To the companies/organisations who have invested in the University to carry out research on their behalf. Disclosure of information surrounding the research or in some instances, revealing a specific company is undertaking research in a particular area in itself, could be commercially damaging as it gives competitors intelligence that could be used to the detriment of the companies concerned. Equally, where a research project has concluded, release of information into the public domain before relevant patents have been secured to secure the intellectual property of the company can be highly damaging.
- b. Research funding is an important source of revenue and it would be harmful to the commercial interests of the University for information to be disclosed relating to a contract that was formed with a commercial funder under terms of confidentiality and/or where the

commercial funder has rights to the outputs. Such a disclosure would be damaging to the University's reputation and have a significant detrimental effect on its ability to retain and secure future business in this field. It is more than likely, that commercial funders affected through disclosure of this nature would go elsewhere for the delivery of future projects

Section 30(c) – Prejudice to effective conduct of public affairs

The exemption available at section 30(c) of the FOISA is also being applied to the withheld information pertaining to funding from commercial funders as the University is of the view that disclosure of this information will substantially harm its business operations. In addition to the harm outlined above, given the competitive environment in which commercial funders operate, it is highly likely that the University could be pursued for damages where information of this nature is inadvertently disclosed.

The University believes that the release of this information would seriously damage its reputation and ability to maintain its position in the research community.

Public Interest

The application of the section 33(1)(b) and section 30(c) exemptions are subject to the public interest test. The University accepts that there is a public interest in transparency in terms of understanding the level of funding received by the University for research purposes. This has to be balanced however, against a public interest in parties operating within a competitive market being able to do so as effectively and efficiently as possible. To do this, the University must be able to protect its own business interests to enable it to maintain its place within the Higher Education market place. Equally, it is not in the public interest for information that has commercial value to companies operating in the private sector to be disclosed which will result in their standing in a highly competitive market place being affected.

The information provided by the University in response to your enquiry and information publically available, gives an overall understanding of the extent of research activity being carried out by the University and the level of funding being received in this area. This in the University's view goes some way to further the public interest in transparency. In the circumstances, the University is of the view that the public interest lies in favour of 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 time lines 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.

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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.

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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, 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

JUNE WEIR
Information Assurance and Governance Officer

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