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19/07/2017

Ref: FOI 2017185

Dear Gloria Smythe,

Thank you for your email of 20/06/2017 requesting information under the Freedom of Information Act 2000. Please see the responses to each of your questions below:

**I am writing to you to under FOI to establish your state of readiness for GDPR.**

**To this end I would be grateful if you could supply me with the following information that you may hold in connection with your GDPR compliance program**

**1. Data Mapping**

- a. Information on the tools used to capture data for the personal data mapping exercise (e.g. questionnaires/spreadsheets etc.) and a copy of the associated outputs (can be redacted)**
- b. The process/template for complying with the records of processing activities and data flow maps/diagrams and any other products/outputs of the data mapping exercise.**

This information is regarded as commercially sensitive under section 43 of the Freedom of Information Act 2000 and is therefore exempt from disclosure. Please see further information at the end of this letter.

**2. Gap Analysis**

- a. Copies of any tools used to assess any shortfall or gaps in processing vis a vis GDPR.**
- b. The gap analysis report and any other products/outputs of the gap analysis exercise.**
- c. A written description of how the Gap Analysis was completed**

This information is not held.

**3. Project Plan**

- a. A copy of your GDPR project Plan and Gantt chart or equivalent.**

This information is regarded as commercially sensitive under section 43 of the Freedom of Information Act 2000 and is therefore exempt from disclosure. Please see further information at the end of this letter.

- b. Any formal reports (be that to management, your IG steering group and senior GDPR oversight group or equivalent and Committee/Executive) on GDPR.**

Please find attached a GDPR update report provided to the Information Governance & Security Steering Group in January 2017.

Further updates have been provided, however these are exempt under section 42 of the Freedom of Information Act 2000 as they are either commercially sensitive or have been verbal updates and therefore the data is not held.

- c. A copy of your Information Governance Structure**

Under section 21 of the Freedom of Information Act 2000 we are not required to provide you with copies of this information as it is already accessible on our webpage: <http://www.exeter.ac.uk/ig/>

**d. A copy of your actions log where applicable**

This information is not held.

**4. Outsourcing**

**a. A copy of an updated GDPR compliant contract issued to data processors or 3rd parties (can be blank) and written instructions for processing.**

This information is regarded as commercially sensitive under section 43 of the Freedom of Information Act 2000 and is therefore exempt from disclosure. Please see further information at the end of this letter.

**5. Solutions**

**a. Details of other potential processing solutions devised or identified either by the organisation or in collaboration with other partners to meet the following controls:**

**Encryption**

**Pseudonymisation**

**Portability**

**Erasure**

**Breach Notification within the 72 hour time limit**

This information is due for future publication under section 22 of the Freedom of Information Act 2000 and is therefore exempt from disclosure.

**6. Documentation**

**a. a copy of your data protection strategy and/or policy**

Please see link to our webpage: <http://www.exeter.ac.uk/ig/dataprotection/>

These pages will be updated to be GDPR compliant by 25<sup>th</sup> May 2018.

**b. a copy of your DPO JD and Person Specification**

The Data Protection Officer role is part of the Information Governance Manager's role, please find attached the JD and person specification as advertised in 2016.

**c. A copy of your accountability framework plan**

This information is not held.

**d. a copy of all procedures or processes relating to the Information Rights of Data Subjects under GDPR. Specifically:**

**The right to be informed**

**The right of access**

**The right to rectification**

**The right to erasure**

**The right to restrict processing**

**The right to data portability**

**The right to object**

**Rights in relation to automated decision making and profiling.**

Please see link to our webpage: <http://www.exeter.ac.uk/ig/information-request/>

This information is due for future publication under section 22 of the Freedom of Information Act 2000 and is therefore exempt from disclosure. These pages will be updated to be GDPR compliant by 25<sup>th</sup> May 2018.

**e. A copy of your fair processing notice**

Privacy notices are published on the website in a number of areas (key privacy notices are found at: <http://www.exeter.ac.uk/dataprotection/>), depending on which data protection processing is relevant to you. All privacy notices are currently being updated to reflect the GDPR changes and are exempt from disclosure under section 22 of the Freedom of Information Act 2000 (future publication) as these will be published on our website by 25<sup>th</sup> May 2018

**f. A copy of your privacy by design checklist**

This information is due for future publication under section 22 of the Freedom of Information Act 2000 and is therefore exempt from disclosure.

**g. A copy of your information security incident response plan:-**

**i) as it stands today**

Under section 21 of the Freedom of Information Act 2000 we are not required to provide you with copies of this information as it is already accessible on our webpage: <http://www.exeter.ac.uk/ig/breach-reporting/>

**ii). any plan that has been devised to deal with mandatory breach notification under the GDPR If any of this information is already accessible online it would be very helpful if you could supply a hyperlink to the location.**

As per our response to question 5 this information is due for future publication under section 22 of the Freedom of Information Act 2000 and is therefore exempt from disclosure.

The University is preparing for the implementation of the GDPR and we will continue to publish information about this on our website to inform all staff, students as well as the public. However much of the information you have requested in is draft form and will be published in the future, therefore its release is exempt under section 22 of the Freedom of Information Act 2000.

As this is a qualified exemption, the University has considered whether, in all circumstance of this request, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The University considers that, while there is an understandable interest in its GDPR preparations internally, it is not in the public interest to disclose our current plans and documentation which are in the drafting and planning stages. To do so would only provide a snapshot in time and would not provide clarity or context to our larger scale GDPR project.

Where we have noted commercial sensitivity, it is the University's opinion that release of such information would prejudice the commercial interests of both the University and/or its third party partners and is therefore exempt from release under Section 43 of the Freedom of Information Act 2000. This includes the way we manage the project as well as contracts that are compliant.

As the above exemption is qualified, we are required to undertake a public interest test to examine if the public interest favouring disclosure outweighs the public interest in withholding it. In favour of disclosure we considered the principles of both transparency and accountability in the way a public authority performs its functions.

Opposing this we considered the factors favouring withholding the information. We considered the impact on the University, our ability to seek and negotiate with third party partners and be provided relevant advice in confidence. In addition we considered the potential for the data to be misleading due to it again only representing a snapshot in time and whilst we are in the planning phase, much is subject to change. To disclose information whilst in this phase could misrepresent the University and impact on our ability to use public money in the most efficient way. In addition the University will continue to publish information on our website to provide information on changes we are making and therefore the public will not be required to wait until May 2018 for all information to be disclosed.

Our assessment is that in all the circumstances of the case, the public interest in withholding the information outweighs the public interest in disclosure.



*This response has been prepared in accordance with a request received pursuant to the Freedom of Information Act 2000. The supply of documents under FOI does not give the person who receives the information an automatic right to re-use the documents without obtaining the consent of the copyright holder. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. You must submit this in writing within two months of receipt of this notification and send to me in the first instance. Please quote the reference number above.*

*If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. (<https://ico.org.uk/>)*

Kind Regards,

Dan Bristow

Information Governance