



13 October 2009

Mr Fraser Campbell
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**POLICY PLANNING AND
GOVERNANCE**

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Dear Mr Campbell

Request for University of Stirling disclosure of information related to report *Point of Sale Display of Tobacco Products* under Freedom of Information (Scotland) Act 2002

I refer to your request dated 14 September 2009 that the University of Stirling ("the University") disclose information under the Freedom of Information (Scotland) Act 2002 ("FOISA").

I have liaised with the Institute of Social Marketing and I am making the University's response as within our procedures our Freedom of Information Unit would do so for a request of this nature.

We have considered your requests as outlined in your letter of 14th September 2009 in relation to the following information.

1. *all primary data relating to the Survey and the analysis in the Report based on the Survey*
2. *all questionnaires used in carrying out the Survey*
3. *all interviewers' handbooks and / or instructions used in carrying out the Survey*
4. *all data files, including weight variables, connected with the Survey; and*
5. *all record descriptions connected with the Survey.*

In addition, all information held by the Centre for Tobacco Control Research, the Institute for Social Marketing and/or the University of Stirling relating to:

- a) *Sampling in the context of the Survey (including any information on categories of stratification of the wards, the distribution of the selected wards and of all the wards in these categories, the quota definitions for respondent selection, and the mechanisms and criteria for respondent selection)*
- b) *Data collection in the context of the Survey (including any information on the identity of the professional interviewers, whether interviewers belonged to a commercial organisation or*

were freelance, whether and what kind of training sessions were organised for the interviewers, the content of any training sessions and whether all interviewers attended, whether parents or children were approached first in respondent selection, the language used to ask consent to participate, whether interviews were conducted immediately after obtaining consent and whether parents were present at interviews)

- c) The handling of non-response in the context of the Survey (including any information on how many people were approached to obtain responses, the characteristics of those who did not agree to participate, and when the questionnaire was considered as completed)*
- d) Post-stratification weighting and analysis in the context of the Survey (including any information on whether weighting was used to make data similar to population or to make surveys similar to each other, the distribution of the weights, the obtaining of standard errors and confidence intervals for the data, the use of goodness-of-fit measures with logistic regression and multiple regression and the goodness-of-fit indicated by these measures)*

Annex 1 gives details of the information that is being provided and refers to relevant documents. Please respect the copyright of enclosed materials where relevant.

The University is making certain information available to you without charge, notwithstanding our calculation that a fees notice could be issued. This decision not to issue a fees notice is without prejudice to the University's right in future to issue such notices and to seek fees as provided for by the FOISA.

COPYRIGHT

The information released to you is subject to copyright. The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order 2004 provides that Section 50 of the Copyright, Designs and Patents Act 1988 ("CDPA") applies to the Freedom of Information (Scotland) Act 2002 ("FOISA"). However, the supply of information to you by the University of Stirling under FOISA does not give you an automatic right to re-use the information in a way that might infringe the CDPA, for example, by making multiple copies, publishing or issuing copies to other individuals or to the public. Breach of copyright law is an actionable offence and the University expressly reserves its rights and the remedies available to it in law. If you require further information on copyright, this can be obtained from the Intellectual Property Office, an executive agency of the Department for Business Innovation and Skills, at: <http://www.ipo.gov.uk/copy.htm>

A decision has been made to withhold the following items:

1. All primary data relating to the Survey and the analysis in the Report based on the Survey
2. All questionnaires
4. All data files
5. All record descriptions

b(i) Identity of professional interviewers

Information on items 1 (all primary data) and 5 (all record descriptors) are subsets of item 4 (all data files) and are therefore considered together. The above items are being withheld on the basis of :

- Section 38(1)(b) of FOISA
- Section 33(1)(b) of FOISA
- Section 27(2) of FOISA
- Section 36(2) of FOISA

Information on item 2 (all questionnaires used in the Survey) is being withheld on the basis of:

- Section 33(1)(b) of FOISA
- Section 27(2) of FOISA

Information within item 3 is being partially withheld on the grounds of the commercial interests exemption for the same reason as the withheld information on questionnaires within item 2.

Information on item b(i) the identity of professional interviewers is third party personal data whose disclosure would breach the first data protection principle under the Data Protection Act 1998. It is, therefore, being withheld on the basis of:

- Section 38(1)(b) of FOISA

Please note that Annex 2 details the factors and reasons taken into account in deciding upon the above exemptions.

Annex 3 lists publications to date and provides copies of the same.

RIGHT TO A REVIEW

If you are dissatisfied with this response, you are entitled to ask us to review our decision. If you would like to present such a request, then please do so in writing (letter/fax/email) to Joanna Morrow, Academic Registrar.

If requesting a review, please state your name, an address for correspondence and specifying the information to which the review refers and the reason for your dissatisfaction. Such submissions should be received not later than the 40th working day after the expiry of the University's original 20 working day "Time for Compliance".

YOUR RIGHT TO AN APPEAL

If you are dissatisfied with the outcome of any review, you have a right under section 47 of FOISA to appeal to the Scottish Information Commissioner. If you wish to do so, you must appeal to the Commissioner within six months following the date of receipt of this review notice. The Commissioner's contact details are as follows:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Email: enquiries@itspublicknowledge.info
Tel: 01334 464610

Yours sincerely

Ian M Robertson
Head of Policy Planning and Governance