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For the attention of Ian Robertson
Head of Policy Planning and Governance
University of Stirling
Stirling
FK9 4LA

Our ref: LRT/70-40375423/PJXB
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27 August 2010

Dear Mr Robertson

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

We refer to the following previous correspondence, copies of which are enclosed for your convenience:

1. Our letter of 14 September 2009 to the Centre for Tobacco Control Research ("CTCR"), requesting certain information pursuant to the Act;
2. Your reply of 13 October 2009;
3. Our further letter of 3 December 2009, requesting a review of your refusal to provide certain information; and
4. A further reply from Joanna Morrow of the University of Stirling of 5 January 2010.

You will see from this correspondence that you refused to disclose certain information, and that this refusal was upheld in full by Ms Morrow following her review.

We wish to seek a decision from the Scottish Information Commissioner regarding the University of Stirling's refusal to disclose this information. In light of case law that emerged after our initial letter of 14 September 2009, however, we have been informed by the Commissioner's office that a request for a decision cannot currently be accepted, on the grounds that our initial request did not provide the name of the client on whose behalf we were seeking the relevant information.

Accordingly, we are now writing to make a new request, on the same terms as set out in our letter of 14 September 2009, but on the basis that we are requesting the information on behalf of our client Philip Morris Limited (5, Thameside Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0HF). Please refer to our letter of 14 September 2009 (enclosed) for full details of the information sought.

We presume that the position of the CTCR / University of Stirling has not changed since it was expressed in your letter of 13 October 2009. If this is correct (and we see no reason why knowledge of the identity of our client should change the position) then we would ask you to reply to this letter simply by confirming this. There is no need to send further copies of documents previously disclosed. Your confirmation will allow us to confirm with Ms Morrow that a new review produces the same result as her previous review, and we will then be able to seek a decision from the Commissioner without undue delay.

You will be aware that under the Act you are obliged to respond to this request promptly, and in any event within 20 working days. Given that a request in similar terms has previously been considered by you, we would suggest that the requirement for a "prompt" response should in this case imply a considerably shorter period than 20 working days. In this regard, we would also remind you of your obligation, under section 15 of the Act, to provide reasonable advice and assistance to those who are making, or have made, requests for information.

Should you wish to discuss this matter further, please contact Patricia Barratt on 020 7006 8853 or patricia.barratt@cliffordchance.com. Please mark all correspondence for the attention of Patricia Barratt.

Yours faithfully



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Encs.