

Our Ref 201000796

Your Ref

Mr David Cloy  
Assistant Records Manager  
University of Stirling  
University of Stirling  
Academic Registrars Office  
Stirling  
FK9 4LA

Scottish Information  
Commissioner

*it's public knowledge*

11 May 2010

Dear Mr Cloy

**Application for decision by the Scottish Information Commissioner  
Applicant: Clifford Chance LLP**

I refer to the letter of 16 April 2010 from Pauline Keith, Validation Officer, advising you that Clifford Chance LLP had applied to the Commissioner for a decision as to whether the University had complied with the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to a request regarding certain documents connected with a report, *Point of Sale Display of Tobacco Products*, published by the Centre for Tobacco Control Research in August 2008.

During the validation process, it became clear that Clifford Chance LLP were acting on behalf of an undisclosed client. As such, the Commissioner has determined, following the Court of Session's Opinion in *Glasgow City Council v Scottish Information Commissioner*, that the request and subsequent application are invalid because they do not name the true applicant (i.e. Clifford Chance's client) as required by section 8(1)(b) of FOISA.

I have therefore written to Clifford Chance today, to advise them that the application is invalid and that the case will now be closed. It is possible, of course, that Clifford Chance (or their client) will make a new, valid request to the University for the information.

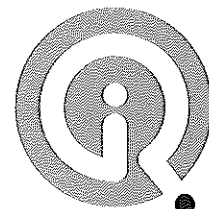
Do not hesitate to contact me should you wish to discuss this further.

Yours sincerely

**Margaret Keyse  
Head of Enforcement**

Kevin Dunion OBE, Scottish Information Commissioner  
Kinburn Castle, Doubledykes Road, St Andrews KY16 9DS

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16 April 2010

Dear Mr Cloy

**Application for Decision by the Scottish Information Commissioner**  
**Applicant: Clifford Chance LLP**

I am writing to advise you that Clifford Chance LLP has applied for a decision from the Scottish Information Commissioner as they are dissatisfied with the way in which University of Stirling dealt with their request for information, dated 14 September 2010.

Clifford Chance LLP asked for information regarding the Point of Sale Display of Tobacco Products. They have been in contact with Ian M Robertson, Head of Policy Planning and Governance who dealt with the request on 13 October 2009.

I will now go on to consider whether the application is valid and will contact you again soon in relation to this. This letter is for information only and you do not need to respond to it.

Yours sincerely

**Pauline Keith**  
**Validation Officer**

Kevin Dunion OBE, Scottish Information Commissioner  
Kinburn Castle, Doubledykes Road, St Andrews KY16 9DS

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