

Internal Review of Freedom of Information Request F17/392

1. Background

The University received a request from Mr Hemingway for the following information on 15 December 2017:

I would like to know the following about each admission cycle separately. First 2013/2014. Second 2014/2015. Third 2015/2016. Fourth 2016/2017.

Would it also be possible to indicate the percentage of applicants who fit into the three A-Level grouping and the percentage of successful applicants who fit into the three A-Level grouping?

1. Applications.

i) percentage of people who applied with predictions of ABB;

a) percentage given an offer

b) percentage who accepted their offer as a firm

c) percentage who accepted their offer as insurance

ii) percentage of people who applied with predictions of AAB;

a) percentage given an offer

b) percentage who accepted their offer as a firm

c) percentage who accepted their offer as insurance

iii) percentage of people who applied with predictions of AAA;

a) percentage given an offer

b) percentage who accepted their offer as a firm

c) percentage who accepted their offer as insurance

iv) percentage of people who applied with predictions of AAA;

a) percentage given an offer

b) percentage who accepted their offer as a firm

c) percentage who accepted their offer as insurance

*v) percentage of people who applied with predictions of A*AA;*

a) percentage given an offer

b) percentage who accepted their offer as a firm

c) percentage who accepted their offer as insurance

*vi) percentage of people who applied with predictions of A*A*A;*

a) percentage given an offer

b) percentage who accepted their offer as a firm

c) percentage who accepted their offer as insurance

*vii) percentage of people who applied with predictions of A*A*A*;*

a) percentage given an offer

b) percentage who accepted their offer as a firm

c) percentage who accepted their offer as insurance

2. Enrolment by achieved grades

i) percentage enrolled with achieved grades of BBB

ii) percentage enrolled with achieved grades of ABB

iii) percentage enrolled with achieved grades of AAB

iii) percentage enrolled with achieved grades of AAA

*iv) percentage enrolled with achieved grades of A*AA*

*v) percentage enrolled with achieved grades of A*A*A*

vi) percentage enrolled with achieved grades of A*A*A*

3. Enrolment by achieved grades against offer (where achieving AAA with an offer of AAB would be 1 above and achieving A*AA with an offer of AAB would be 2 above).

- i) percentage enrolled with achieved grades 1 above their offer
- ii) percentage enrolled with achieved grades 2 above their offer
- iii) percentage enrolled with achieved grades 3 or more above their offer
- iv) percentage enrolled with achieved grades 1 below their offer
- v) percentage enrolled with achieved grades 2 below their offer
- vi) percentage enrolled with achieved grades 3 below their offer

Receipt of the request was acknowledged on 19 December 2017. The University gathered information about the subject matter of the request from members of staff in Student Recruitment and Admissions and the Planning Office and sent a response to the applicant on 16 January 2018. In its response, the University answered Question 1, withheld data in response to Question 2 under section 21 (2) (a) of the Freedom of Information Act, 2000 (FoIA) and confirmed for Question 3 that the information sought was not held.

2. Request for an internal Review

The University received the following request for internal review on 22 January 2018:

The HESA bespoke service, which according to its website lists "tariff points and A-Level points", * is free for 1 hour of labour and £150+ for anything over that. It does not seem to me to be "Information which is reasonably accessible to the applicant". ** Also, as "A-Level points" is a semantically void construction, it does not seem that the information is necessarily accessible. That is because the request I made to you only pertained to the actual A-Level grades on enrolment, not a tarified version of them.

*<https://www.hesa.ac.uk/services/custom/data/our-data>

**<https://www.hesa.ac.uk/services/custom/data/timescales-costs>

As for s21(2)(a), "even though it is accessible only on payment" does not mean that the information is reasonably accessible simply because it is accessible only on payment. Rather, it is saying reasonably accessible information can still be reasonably accessible "even though it is accessible only on payment". The salient question, therefore, is simply whether the information is reasonably accessible. It is not answered in the affirmative merely because there is a payment service available.

To answer that question, it is important to look at the conditions HESA place on its bespoke service. "If possible, and depending on our current workload, we will endeavour to meet your requirements." This gives the implication that if the workload is high, they will not endeavour to meet my requirements. For the distinct question of whether the information is reasonably accessible, I would have to contend no for fact there is no guarantee that the information would be available.

This is in addition to the high cost and the lack of clarity about whether HESA provides A-Level specific information.

3. Review of original decision

There are two matters that I have investigated as part of this review:

- a. The University's procedural compliance with the Act;
- b. The University's decision not to release the information requested.

a. The handling of the request

The request was handled in a timely and professional manner and the response was formulated in line with the obligations conferred on the University by sections 1 and 17 of the FoIA i.e. the response confirmed that the information requested was held, provided data where an exemption did not apply and issued a refusal notice for exempt information.

b. The decision not to release the information requested

As section 21 of the FoIA is an absolute exemption, it is not subject to a public interest test. Consequently, the focus of this review relates solely to whether the information sought is reasonably accessible to the applicant by other means. The University's Planning Office have reviewed the arguments put forward by the applicant in his email of 22 January 2018 and, again, explored the focus of the request with the Higher Education Statistics Agency (HESA). HESA offers a resource not only for higher education institutions but also a data retrieval service for the public. Planning have reaffirmed that data relating to enrolment by achieved grades is available directly from HESA, most likely in the form of a bespoke report available on payment of a fee. Under section 21 (2) of the FoIA, 'information may be reasonably accessible to the applicant even though it is accessible only on payment'. The University is content this information is reasonably accessible even if payment of a fee is required. Bespoke reports can be requested online at, <https://www.hesa.ac.uk/services/custom/data/request>.

The University's Planning Office have acknowledged that HESA will be unable to provide you with grade data in the exact format requested (i.e. AAA, ABB etc.). They have however, also confirmed the University would be unable to provide data in response to Question 2 in that format as enrolment by achieved grades is not recorded in the format specified in your request (i.e. AAA, ABB etc.).

4. Conclusion

In summary, as detailed in the above review, it is my determination that the University response was handled appropriately and framed correctly and I uphold the decision to partially refuse information under section 21.

Christopher Webb
Keeper of Archives