

By Email: request-4589xxxxxxxxxx@xxxxxxxxxxxxxxxx.xxx

Our Ref: 18/1016

Your Ref:

Date: 19 February 2018

Dear Mr Davies

Re: Freedom of Information Request

Thank you for your Freedom of Information request and your interest in the University of Bedfordshire.

Request

You requested the following information from the University of Bedfordshire:

The request relates to UK Legislation, specifically TM44 Air Conditioning Inspections:

1. If the university is responsible for any buildings with more than 12kw of air conditioning present
2. Who the responsible person is for ensuring that our buildings are inspected and reports lodged. To provide the name, address, email address and direct telephone number of the responsible person.
3. If our TM44 Air Conditioning Inspection Certificates are in place, to provide their expiry date.
4. The order value of the works placed with the company who undertook the work
5. The number of certificates produced
6. Whether the TM44 inspector independent as required under the Regulations
7. Name of the Inspector or Organisation.

Response

In response to question 1, the university is responsible for buildings with more than 12kw of air conditioning present.

In response to question 2, the University is exempt under section 40 of the Freedom of Information Act 2000 from releasing this information as it amounts to personal information. Section 40(2)(b) of the Freedom of Information Act 2000 states:

Section 40(2): Any information to which a request for information relates is also exempt information if—

- (b) either the first or the second condition below (sections 40(3) and 40(4) of the Act) is satisfied.

Section 40(3): The first condition is—

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

In respect of this, we have applied this exemption as the first condition is satisfied due to the information comprises of personal data of individuals other than yourself, which if disclosed would contravene sections 40(3)(a)(i), and section 40(3)(a)(ii) of the Freedom of Information Act, and would breach the principles of the Data Protection Act 1998.

In response to questions 3 – 7, the University of Bedfordshire relies on section 43 of the Freedom of Information Act 2000 as the information requested constitutes a commercial interest. Section 43(2) of the Freedom of Information Act 2000 states:

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Section 43(3) of the Freedom of Information Act 2000 states:

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

Section 43 not only provides an exemption from the obligation to communicate the information to an applicant, but also provides an exemption from the requirement to inform the applicant whether the information is held. The University of Bedfordshire considers that the disclosure of the requested information will prejudice the University's commercial interests because competitor knowledge could encourage a competitive response that could negatively impact the University.

If you are not satisfied by the way we have handled your request, you can request a review by writing to the University Secretary.

If you are unhappy with the way the University handles your request through our appeals process, you have a right to appeal to the information commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel 08456 306060 or 01625 545745 or alternatively visit their website at www.ico.gov.uk.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'A. Ali', with a horizontal line extending to the left.

Ashahul Ali
Senior Legal Officer
University of Bedfordshire