



3 April 2020

By email to: request-652872-e73eaf9b@whatdotheyknow.com

Dear W Tanner,

I refer to your Freedom of Information request received on 06 March 2020 about marketing spend on undergraduate courses.

Details of any exemptions applied are below. Where any information is “not held”, this is explained below. Those parts of the University’s response (together with the details of how to ask the University to review the management of your request, or thereafter to seek a review by the Scottish Information Commissioner, should you wish to do so – please see below) constitutes the notice in writing that the information specified is not held by the University which is required under section 17 of the Freedom of Information (Scotland) Act 2002 (“FOISA”).

Your enquiry and the University’s response.

Dear University of Abertay Dundee,

Please could you provide me with the following information under the Freedom of Information Act:

In each of the financial years from 1998-99 to 2018-19 how much has your institution spent on advertising and marketing of undergraduate degrees? This should exclude open days and publication costs if possible.

If possible please break down this spending by different types of advertising and marketing:

- Print
- Traditional media
- Social media
- Search engine
- Direct advertising

The University is unable to provide this information. Spend is categorised as either Advertising or Promotional within the finance system APTOS. To disaggregate this further would require a university officer to perform a manual analysis of 20 years’ data. The University does not therefore hold this information, and to provide it would require the creation of new information by the application of professional knowledge and judgment by expert Finance, HR and IT staff. The Freedom of Information (Scotland) Act 2002 applies

only to information which is recorded (section 73), i.e. already in existence and held by the University. The Scottish Information Commissioner ("SIC") has stated that, "FOISA only requires public authorities to disclose the recorded information which they hold; authorities are not required to create new information from the recollection of public authority staff." [at para. 36, Decision 070/2012 James Campbell Architects & Environmental Consultants and the University of Aberdeen], and also that the "Commissioner does not have the authority to compel an authority to create new information to satisfy a request." [at para. 28, Decision 233/2013 Mr Stuart James and Highland Council.]

Furthermore, in terms of section 12 of the Freedom of Information (Scotland) Act 2002 and the Freedom of Information (Fees for Disclosure under Section 13) (Scotland) Regulations 2004, the University is not obliged to provide information where the cost of doing so is excessive. The limit for this has been set under the legislation at £600 or more. The University has adjudged that, even when capped at an hourly rate of £15, the number of staff hours required to retrieve basic spend information beyond the seven-year retention period of records would significantly exceed this figure.

In the Information Commissioner's Office Decision Notice, in the case of Edge Hill University, Lancashire, on 1 June 2015, case reference FS50570631, the University explained that the effort required to meet the request would be so grossly oppressive in terms of the strain on time and resources, that it could not reasonably be expected to comply with the request no matter how legitimate the subject matter or valid the intentions of the requester: Edge Hill University's position was upheld by the ICO. Abertay University is a small institution and has very limited resources. We receive a substantial number of information requests each year. Accordingly, we require to allocate the limited available resources equitably amongst many different information requesters, and ones which cause a disproportionate impact to the University's functioning require additional scrutiny.

This concludes the University's response.

Your right to seek a review of how your information request was managed

If you are not satisfied with our response or our reasoning set out above, you have 40 working days in which to require a review of our decision. Any such request should be put in writing and should be sent to the University Secretary, Abertay University, at the address provided below. The request should:

- (a) detail your request for a review of our decision to be undertaken
- (b) describe the nature of your original request
- (c) explain the reasons why you are dissatisfied with our response

University Secretary
Abertay University
Bell Street
Dundee
DD1 1HD
Tel (01382) 308016

E-mail: S.Stewart@abertay.ac.uk

If you remain dissatisfied with how your request for information has been dealt with, you also have the right, in terms of section 47 of FOISA, and within 6 months, to apply to the Scottish Information Commissioner for a decision as to whether we have handled your request properly.

Information relating to your right to seek review is available from the Scottish Information Commissioner's website:

<http://www.itspublicknowledge.info>

or by contacting the Scottish Information Commissioner's Office at the following address:

Scottish Information Commissioner,
Kinburn Castle,
Doubledykes Road, St Andrews,
Fife KY16 9DS

Telephone: 01334 464610

Fax: 01334 464611

E-mail: <mailto:enquiries@spsa.gov.scot>

Website: <http://www.itspublicknowledge.info>

Or via the SIC's online appeals service:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

If you are unhappy with the Commissioner's decision, you also have the right to appeal further to the Court of Session, on a point of law only, under section 56 of FOISA. Please refer to the Commissioner's website (details above) for further information about your right of appeal to the Court of Session.

Yours sincerely,

FOI Processing

Academic Registry
Abertay University

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