



Information Assurance and Governance
Office of the Principal

30 December 2020

Dear Mr Johnston,

Freedom of Information (Scotland) Act 2002
Our Ref: 433-20

I refer to your request for information received on 3 December 2020 asking to be supplied with the following information under the Freedom of Information (Scotland) Act 2002 ("the FOISA") based on information available on the Module Analysis section of the Academic Monitoring Dashboard for all Physics, Astronomy and Mathematics modules in academic year 2019/20:

- Information from the first graph, titled 'number of students achieving assessment results' falling within the following grade classifications:
 - Less than 6;
 - Between 7 and 10;
 - Between 11 and 13;
 - Between 14 and 16;
 - 17 and above.

Having reviewed the dataset, it is not possible to disclose the data requested and the reasons for this and the exemptions being applied are outlined below.

1. Health, safety and the environment

Firstly, it is noted that the University has previously disclosed information similar to that requested however, the legislation requires that responses are made on a case-by-case basis. The University in considering its obligations in terms of the relationship it has with its students, is of the opinion that disclosure of the distribution of grades in a specific module would be harmful to the mental health and wellbeing of some students studying said modules.

In Decision 098/2019 reached by the Scottish Information Commissioner, it was found that the release of examination grades can have a harmful effect on an individual – that harm will vary according to the circumstances of each pupil. In this case, the University believes that disclosure would be harmful, affecting the self-esteem and mental wellbeing of students i.e. those who have anxieties about their academic performance.

Each/

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Each student will know their own module grade, and they will have their own perception of their achievement against their cohort. Release of module grades would confirm to the student where their performance falls allowing them to benchmark this against the grades that are released. A student may for example, feel they have done badly, but that they do not fall/rank towards the bottom of their cohort, or that a large number of their fellow students may have also performed badly which they may take some degree of comfort from. Release of the grade distribution will confirm to that student if their perceptions are correct or otherwise.

Student esteem and perceptions of performance can be a significant factor in wellbeing and mental health – not least in a highly competitive academic environment. Where students can identify themselves as not performing as well or better than their peers, then this can be damaging.

For example, a student may have assumed (in the absence of the dataset) that a number of others in their cohort had performed badly, and that on release of the dataset this transpires not to be the case. Depending on the individual circumstances of the student concerned, their self-esteem and belief of self-worth can be damaged, which in turn has an adverse effect on their mental health and wellbeing.

Alternatively, a student may feel that they have performed strongly, and their grade is perhaps the highest; release of the number of students achieving the top grade may confirm that not to be the case, which for some will also have a negative impact.

All of the requested data is therefore being withheld through application of section 39(1) of the FOISA. When applying this exemption, the University must consider where the public interest lies. The public interest in transparency is recognised however, this must be balanced against the public interest in the University being able to safeguard the wellbeing and mental health of its students.

The University has a duty of care towards its students and it would not be in the public interest for information to be disclosed that has a detrimental effect on a student's wellbeing. On balance, the University is of the view that the public interest lies in the exemption being applied and the information withheld.

2. Personal Information

I appreciate that as part of your request for information, you asked that the information provided does not include results where the number of students being reported on are too low to guarantee anonymity. For completeness, I can confirm that the number of students who attained a grade of less than 7 and the distribution of grades where the total number of students studying a given module is less than 30, was found to be personal data and exempt from disclosure through application of the section 38(1)(b), *Personal Information* of the FOISA.

There is a risk that providing data to this level of granularity could result in the individuals concerned being identified revealing information of a personal nature where there is no expectation of this happening. This would contravene data protection principle 1(a) in Article 5(1) of the General Data Protection Regulation i.e. that personal data shall be processed lawfully, fairly and in a transparent manner.

Disclosure of information under the FOISA is release of information into the public domain and by extension, members of the University community. It is through this route that identification is most likely to occur when the data is taken in conjunction with other data that could potentially come into the possession of another.

The Personal Information exemption is absolute and is not subject to the public interest test.

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

If you are not satisfied with the University's response and/or our reasoning set-out above, you have the right to request a review of our decision. The timelines in which this right is available are set out in section 20(5)(a) and (b) FOISA and regulation 16 of the EIRs. In broad terms the right to seek a review must be exercised within 40 working days of receiving this response.

The University is unable to disclose the requested information and the reasons for this and the exemptions being applied to withhold this information are as detailed below.

The Information Assurance and Governance team are currently working remotely. Any request for review should there be put in writing in the form of an e-mail addressed to foi@st-andrews.ac.uk stating:

- a) your name and address;
- b) a description of the nature of your original request; and
- c) the reasons why you are dissatisfied with our response.

If you remain dissatisfied with how your request for information has been dealt with following Review, you also have the right to apply to the Scottish Information Commissioner (SIC) for a decision. In the event of an appeal to the SIC, the Commissioner will generally only be able to investigate the matters raised in the request for review.

Details on how to make an appeal online to the SIC can be found on their website: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

This concludes the University's response.

Yours sincerely

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