

Freedom of
Information
Decision Notice

SUMMARY	
APPLICANT	Ms Tereza Tomanova
REF NUMBER	FOI-60-20
SCOPE	<ul style="list-style-type: none">• For the following academic years, 2015/16, 2016/17, 2017/18, 2018/19, 2019/2020:- The number of EU students enrolled at the university; and- The number of EU students who had their tuition fees paid by Student Loans Company.
DECISION MAKER	Liam Jackson
DECISION DATE	31 March 2020

Decision

I, Liam Jackson, Information Governance Assistant, dealt with your request for information received by the University of Wolverhampton (University) in accordance with the *Freedom of Information Act 2000* (the FOI Act).

I can confirm, the requested information is held by the University of Wolverhampton however, please be advised that we are unable to provide you with information pertaining to the second point of your application.

I have decided to withhold the requested information that is available at this time in full in accordance with Section 21 and Section 22 of the FOI Act.

Please refer to the subsequent pages of this document, for further information regarding my decision.

Liam Jackson
Information Governance Assistant
31 March 2020

Background & Scope of Application

On 9 March 2020, the University of Wolverhampton received Ms Tomanova's, Freedom of Information (FOI) application, requesting the following:

- For the following academic years, 2015/16, 2016/17, 2017/18, 2018/19, 2019/2020:
 - The number of EU students enrolled at the university; and
 - The number of EU students who had their tuition fees paid by Student Loans Company.

Search for Documents

Based on the original scope of this request, I conducted a search of the University of Wolverhampton records to determine whether the requested information can be provided to Ms Tomanova, in response to the original application, dated 9 March 2020.

The following searches were undertaken:

- Consultation with the University of Wolverhampton's, Finance Department.

Decision

In accordance with Section 1(1)(a) of the FOI Act, I can confirm that the University does hold the requested information however, please be advised that we cannot at this time provide you with information pertaining to the second point of your application.

Unfortunately, please be advised that due to the current circumstances that the UK finds itself in relating to the Coronavirus (COVI19), the University along with many other Universities, is required to divert resources away from our usual compliance procedures and follow the Government advice, with many staff reallocating and working differently. This means that information pertaining to second point of your application cannot be provided at this time. This means that the full response to your request will be delayed with full compliance not being possible.

Please be mindful that any outstanding information that forms part of your request/application will be provided at a later date and the University will try to the best of its ability to provide this outstanding information to you as soon as possible.

The current situation (regarding COVID 19) has been acknowledged by the ICO in recent guidance given to Information Governance practitioners. The ICO has provided that they understand that in the current circumstances organisations might divert resources both of a financial and physical nature away from its usual compliance or Information Governance work.

Although the statutory deadline for compliance with your request remains, they understand that requester's (such as yourselves) may experience understandable delays during these extraordinary times.

I have decided to withhold the requested information that the University can provide at this

time in full in accordance with Section 21 and Section 22 of the FOI Act.

Section 17 of the FOI Act provides that:

17.—*(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which—*

- (a) states that fact,*
- (b) specifies the exemption in question, and*
- (c) states (if that would not otherwise be apparent) why the exemption applies.*

Section 21 of the FOI Act provides that:

21. Information accessible to applicant by other means

21. (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2). For the purposes of subsection (1)-

(a) Information may be reasonably accessible to the applicant even though it is accessible only on payment; and

(b) Information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

Information pertaining to the first point of your application has been withheld in accordance with Section 21 of the Act as this information is accessible to public (and you as the applicant) via the HESA website <https://www.hesa.ac.uk/> (for the academic years 2015/16, 2016//17, 2017/18 and 2018/19). Any information pertaining to student statistics relating to the University will be held on the HESA website. They are the designated UK Higher education and analysis and the designated data body for England. It is usual practice of the University of Wolverhampton to share this data with HESA and therefore it is reasonable to withhold this information at this time.

Section 22 of the FOI provides that:

22. Information intended for future publication.

(1) Information is exempt information if—

(a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) The information was already held with a view to such publication at the time when the request for information was made, and

(c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

Information pertaining to the first point of your application has been withheld in accordance with Section 22 of the Act. The information in particular relates to the academic year 2019/20. Any information pertaining to student statistics relating to the University will be held on the HESA website. They are the designated UK Higher education data and analysis and the designated data body for England. Information pertaining to the current academic year will be made publically available by HESA at a later date. It is the usual practice of the University of Wolverhampton to share this data with HESA and therefore it is reasonable to withhold this information at this time. The link is provided here: <https://www.hesa.ac.uk/>.

Right of Review

If you are dissatisfied with our response please contact us with the details of your dispute via email at FOI@wlv.ac.uk and we will conduct an internal review of our response.

If you are still dissatisfied with the outcome of the internal review, you have the right of complaint to the Information Commissioner at the following address: <https://ico.org.uk/>