

Ms Karen Reissmann

Our Ref: FOIA440 061015
Date: 11th December 2015

Email: foi@bolton.ac.uk

FREEDOM OF INFORMATION REQUEST

Sent by email to: request-295424-d10fb098@whatdotheyknow.com

Dear Ms Reissmann,

Thank you for your enquiry requesting information under Section 1(1) of the Freedom of Information Act 2000.

1. **Please could you supply me with all details of payments to Russell Howard or Racestaff.com I would like the amount per year since 2010, products or services received for each of these payments.**

The University has considered your request for information. The University confirms any information held may not be disclosed as it considers the information requested to be the personal data of Russell Howard and/or commercially confidential.

The University hereby issues this refusal notice in relation to that information considered to be personal data and/or commercially confidential under section 17 of the Act with the application of sections 40(2) and 43(2) of the Act.

Section 40(2) by virtue of Section 40(3)(a)(i) of the Data Protection Act 1998 applies.

Section 40(2) provides that:

"Any information to which a request for information relates is also exempt information if-

(a) it constitutes personal data which do not fall within subsection (1), and

(b) either the first or the second condition below is satisfied."

Section 40(3) provides that –

"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."

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The information requested is deemed to constitute personal data of third parties and that processing the information would breach the first data protection principle, which states that 'personal data shall be processed fairly and lawfully....' and the second principle, which states 'processing personal data shall only be for a specified purpose..'.

Section 43(2) provides that the release of the information held is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

The exemption may be relied on if disclosure would prejudice a third party's commercial interest (including the University's own).

The commercial interest of a person or organisation may be prejudiced where disclosure is likely to:

- Damage its business reputation or the confidence that customers, suppliers or investors may have in it
- Have a detrimental impact on its commercial revenue or threaten its ability to obtain supplies or secure finance
- Weaken its position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors

The University considers that the public interest in the information held is outweighed by the exemption under section 43(2) as disclosure would weaken the University's position in gaining the most commercially advantageous, cost effective and competitive collaborative arrangement available.

2. Could you confirm that Russell Howard holds the position of CAPE marketing coordinator at the University of Bolton, or if he does not currently, the period he did hold this post.

The University can confirm that Russell Howard is an external consultant and does not hold a position at the University.

We trust that this addresses your enquiry.

If you are unhappy with the way that your request has been handled, or with the information you have received, you may ask for an internal review. You can do this by return email requesting an internal review.

If the University is unable to resolve your complaint to your satisfaction, you have the right under Section 50 of the Act to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

First Contact Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
www.ico.org.uk

Full details of the complaints procedure can be found
at: <https://ico.org.uk/concerns>

Yours sincerely,

The University of Bolton.

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