

Andrew Taylor
request-242508-fa4b4de0@whatdotheyknow.com

05 February 2015

Our Ref: FOI 2014/333 – F0459550
[Superseded by FOI Review 2015/02 – F0471879]

Dear Mr Taylor,

Re: Freedom of Information (Scotland) Act 2002 – Request for Information

Thank you for your email which was received by the University on 02 December 2014 timed 18:17 hours, requesting the following information:

- 1. I wish to see any emails containing the phrases 'divestment', 'the Times', 'newspaper', 'divest', 'fossil free', 'student campaign' or 'People & Planet', sent or received by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), between 1st May 2014 and 2nd December 2014.**
- 2. I wish to see any emails sent or received, by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), to any email addresses containing the following text '@five-quarter.com', '@carnegiefoundation.org', '@epsrc.ac.uk', '@nerc.ac.uk', and '@scottishpower.co.uk', between 1st May 2014 and 2nd December 2014.**
- 3. I wish to see any emails sent or received, by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), to Principal and Vice Chancellor Professor Anton Muscatelli, between 1st May 2014 and 2nd December 2014.**
- 4. I wish to see any emails sent or received, by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), to Mr David Newall Secretary of Court , between 1st May 2014 and 2nd December 2014.**

University's Response

We apologise for the delay in responding to your request.

Please note, information that could be used to identify individuals external to the University in **Appendices A – F** attached, have been redacted as (a) the identities are considered as personal data as defined in the Data Protection Act 1998, and (b) the release of the information would be in breach of the data protection principles, in particular:

- 1st Principle [Fair and Lawful processing];
- 2nd Principle [Reason for Processing];
- 6th Principle [Data Subject Rights], and
- 8th Principle [Transfer of personal data]

as defined in the Data Protection Act 1998. Therefore the exemption from release of the information applies as specified under sections 38(1)(b) and 38(2) of the Freedom of Information (Scotland) Act 2002. This exemption is an absolute exemption under the Freedom of Information (Scotland) Act 2002.

Where further exemptions have been applied to any of the attached appendices, this has been noted in the response below.

1. I wish to see any emails containing the phrases 'divestment', 'the Times', 'newspaper', 'divest', 'fossil free', 'student campaign' or 'People & Planet', sent or received by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), between 1st May 2014 and 2nd December 2014.

Please see **Appendix F** attached.

Section 33 (1)(b) Commercial Interests and the economy

The University of Glasgow considers that the release of details of contracts regarding research investment at this time would substantially prejudice the commercial interests of the University. Therefore the University considers that the “harm test” is met.

Notwithstanding the result of the “harm test”, section 33(1)(b) of FOISA does not provide an absolute exemption to the general entitlement to information. The University has therefore considered whether, notwithstanding the exemption, it is in the public interest to release the information.

Public Interest Test

It could be argued that release of the exempt information would benefit the public interest by allowing greater public knowledge of planned research contracts at the University and therefore improving transparency and accountability.

Conversely, premature release of such information would prejudice the University’s capability to attract further investment in a very competitive commercial environment and therefore not be beneficial to the Scottish Higher Education sector or the general public in Scotland.

We conclude that the public interest in withholding this information outweighs the public interest in disclosure.

2. I wish to see any emails sent or received, by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), to any email addresses containing the following text '@five-quarter.com', '@carnegiefoundation.org', '@epsrc.ac.uk', '@nerc.ac.uk', and '@scottishpower.co.uk', between 1st May 2014 and 2nd December 2014.

Please refer to:

Appendix B re Five-Quarter

Appendix C re NERC

S.30 Prejudice to effective conduct of public affairs

With regards to information, withheld under s.30 (b)(ii) and (c) of FOISA. The University considers that the disclosure of information held would inhibit substantially (ii) the free and frank exchange of views for the purposes of deliberation and (c) would otherwise prejudice substantially, the effective conduct of public affairs. It is imperative that the NERC are not inhibited from giving full consideration to the application as that may affect the income and subsequently the operation of the University. The University therefore considers that the “harm test”, as required by section 30(b)(ii) and (c) is met.

Section 30 of FOISA does not provide an absolute exemption to the general entitlement to information. The University has therefore considered whether, notwithstanding the exemption, it is in the public interest to release the information.

Public Interest Test

It could be argued that release of the exempt information would enhance scrutiny of decision-making processes and thereby improve accountability and participation and therefore would be in the public interest to disclose the information exempt under section 30.

Conversely the public interest may not be served in releasing this information because it would be substantially prejudicial to the University's commercial interests in a very competitive commercial environment. The very real danger to the commercial interests of the University would not be beneficial to the Scottish Higher Education sector or the general public in Scotland.

We believe the public interest in ensuring the continuing commercial success of the University for the benefit of the wider community in Scotland outweighs the argument for release in this instance and consequently the exemption under section 30(b)(ii) and (c) applies.

The University therefore concludes that the “public interest test”, as required when applying section 30 of the FOISA, is met as the disclosure of the information requested would cause real and significant substantial prejudice to the commercial interest of the person/s in question.

The public interest in withholding the information is greater than the public interest in its release.

Appendix D re EPSRC

Please be advised, the University of Glasgow does not hold the information that you have requested with regards to emails sent or received by Professor Paul Younger to email addresses containing text '@carnegiefoundation.org' or '@scottishpower.co.uk', between 1st May 2014 and 2nd December 2014, and is not aware of any other public authority that could respond to your request. Section 17 of FOISA states that where public authorities receive requests for information that they do not hold, they must issue a notice advising that they do not hold the requested information.

3. I wish to see any emails sent or received, by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), to Principal and Vice Chancellor Professor Anton Muscatelli, between 1st May 2014 and 2nd December 2014.

Please see **Appendix A** attached.

4. I wish to see any emails sent or received, by Professor Paul Younger the Rankine Chair of Engineering, Professor of Energy Engineering (Systems Power and Energy), to Mr David Newall Secretary of Court , between 1st May 2014 and 2nd December 2014.

Please see **Appendix E** attached.

The supply of documents under the terms of the Freedom of Information (Scotland) Act 2002 does not give the applicant or whoever receives the information any right to re-use it in such a way that might infringe the Copyright, Designs and Patents Act 1988 (for example, by making multiple copies, publishing or otherwise distributing the information to other individuals and the public). The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order 2004 ensured that Section 50 of the Copyright, Designs and Patents Act 1988 ("CDPA") applies to the Freedom of Information (Scotland) Act 2002 ("FOISA").

Breach of copyright law is an actionable offence and the University expressly reserves its rights and remedies available to it pursuant to the CDPA and common law. Further information on copyright is available at the following website:

<http://www.ipo.gov.uk/copy.htm>

If you are dissatisfied with the way in which we have handled your request for review you may ask the Scottish Information Commissioner to review our decision. You must submit your complaint in writing to the Commissioner within 6 months of receiving the response to review letter. The Commissioner may be contacted as follows:

The Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
Website www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

An appeal, on a point of law, to the Court of Session may be made against a decision by the Commissioner.

For further information on the review procedure please refer to
(<http://www.gla.ac.uk/services/dpfoioffice/policiesandprocedures/foisa-complaintsandreview/>)
All complaints regarding requests for information will be handled in accordance with this procedure.

Yours sincerely,

Data Protection and Freedom of Information Office