

Ref No: FOI 4531
Date: 05/10/21
Subject: Stonewall

REQUEST

1. Any application you made in 2019 or 2020 to be a "Stonewall Diversity Champion" or to be included on Stonewall's "Workplace Equality Index," including any attachments or appendices to those applications. Please redact personal details if necessary.
2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.
3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).
4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).
5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.
6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.

Clarification Issued

We note that within your request you have requested "any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure". It is likely that this aspect of your request is exempt from disclosure under section 14(1) of the Freedom of Information Act, whereby the request lacks focus and may have been designed for the purpose of 'fishing' for information. In order to be able to respond to this aspect of your request, we would ask that you provide a topic or keyword to refine the specific communications you wish to receive.

Clarification Received

I do not accept your characterisation of my request as "fishing" for information. I am interested in the specific facts relating to Lancaster University's decision to become a Stonewall Diversity Champion, the decision making process that was followed, and any contractual or financial arrangements. I wish to gain access to the following information:

Any and all correspondence between Lancaster University and Stonewall UK, including attachments, relating to Lancaster University's application to become, or its status as, either a "Stonewall Diversity Champion" or to appear on the "Workplace Equality Index".

Any correspondence between Lancaster University and Stonewall UK relating to feedback given by Stonewall on Lancaster University's applications to participate in Stonewall's schemes. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).

Any correspondence between Lancaster and Stonewall UK relating to the formulation, review and implementation of Lancaster's Trans Inclusivity Policy. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.

I trust this request is sufficiently specific and I will look forward to receiving the information requested. I am comfortable with sending further, more detailed, requests should the need arise.

RESPONSE

Questions 1-3

Please find attached the following documentation:

- The University's application for the 2018-19 Workplace Equality Index. The University did not submit an application for the 2019-20 cycle.
- A pre-assessment task relating to the 2021 Workplace Equality Index that was submitted in preparation for a consultancy session held in November 2020.
- Email correspondence that the University has received from Stonewall in 2019 or 2020.

In some instances information within these documents has been redacted.

Feedback received from Stonewall in 2019 or 2020 is exempt from disclosure under section 41 of the Freedom of Information Act, information provided in confidence. The privacy notice provided by Stonewall states that "any scoring or comments made on the submission is confidential between Stonewall and the applicant/organisation". The privacy notice is available here:

[DATA PROTECTION AND PRIVACY STATEMENT - Stonewall Submit \(fluidreview.com\)](https://fluidreview.com/stonewall-submit/privacy-statement)

Feedback data within the attached files has been redacted. This acts as our refusal notice.

Furthermore, we believe that to release this information would likely jeopardise the commercial interests of Stonewall. Therefore, this information is exempt under section 43 of the Freedom of Information Act, prejudice to commercial interests.

Section 43 is a qualified exemption and therefore the University is required to conduct a public interest test.

The argument to maintain the section 43 exemption is that to release the feedback the University has received may give undue advantage to other bodies making applications to Stonewall and additionally undermine confidence in Stonewall's Workplace Equality Index. We do not believe it is in the public interest to undermine the performance of Stonewall, which is a likely consequence of the release of the requested information.

Having considered the wider public interest in openness and transparency and the arguments in favour of maintaining the exemptions, we believe that the balance of the public interest in maintaining the exemptions outweighs that of disclosing the information.

In some instances, personal information has been redacted in order to protect personal information. This information is exempt under section 40(2) of the Freedom of Information Act 2000 as disclosure of this information would breach one of the data protection principles. This acts as our refusal notice.

4. An Equality Impact Assessment was not undertaken.
5. Please see below
 - i) Stonewall Global Diversity Champions Membership for the period 09/05/18 to 08/05/19 - £6,000.00.

Stonewall Diversity Champions Membership for the period 09/05/19 to 08/05/20 - £6,000.00.
 - ii) Stonewall Diversity Champions Membership for the period 09/05/20 to 08/05/21 - £6,000.00
6. The decision concerning the University's membership with Stonewall or other organisations focused on LGBT+ inclusion will be discussed once the new Equality Diverison and Inclusion Manager starts in their role.

Internal review request

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Lancaster University's handling of my FOI request 'Information about your dealings with Stonewall [Extraneous material removed]'.

I do not feel that your refusal to provide Stonewall's response to Lancaster University's request for review of the University's Trans Inclusivity policy is reasonable. I do not see how Section 43 of the FOIA applies, since this does not relate to a submission to either the WEI or the DCS and therefore cannot adversely affect Stonewall's commercial activities.

Please review and provide the requested information.

I would also request that the redactions made to the text of Stonewall's emails dated 13:39 20/11/20 and 14:30 30/07/20 be removed (except those relating to the sender and recipient of the emails). I do not believe that these redactions are reasonable and am prepared to appeal them to the ICO.

Internal review response

Having reviewed our original response, we have determined that the exemptions applied to our original response, Section 41 (information provided in confidence) and Section 43 (prejudice to commercial interests), were incorrectly applied to the feedback that Stonewall provided the University in relation to its Trans Inclusivity policy. As such, we have attached an updated version of our original response with previously applied redactions removed.

Please note that the names of individuals continue to be redacted in line with section 40(2) of the Freedom of Information Act 2000 as disclosure of this information would breach one of the data protection principles.

Your request i.d. is: 4531. Please quote this in all enquiries.

The University aims to comply fully with its obligations under the Freedom of Information Act 2000 and to ensure that the service it provides for those wishing to gain access to information is helpful and effective.

The personal information you have supplied will be used only to process your request; some details will be retained for our records after the request has been answered. This information will not be passed on to other parties unrelated to the University unless we are required to do so by law, or where it would be necessary to answer the request in full (in which case we would seek your consent for any transfer).

Process for Making a Complaint

If, following our internal review, you are dissatisfied with the response provided, you may write to the Information Commissioner's Office, for details visit www.ico.org.uk.