

Mr Simon Briscoe

By email only to request-737611-24718c12@whatdotheyknow.com

8 June 2021

Dear Mr Briscoe,

Our ref: FOI-21-0072
Request for an internal review

I write further to your email of 11 May 2021, in relation to the University's response to your request under the Freedom of Information Act 2000 ('the Act'). Having considered the University's reply, you have asked for an internal review.

I have had the opportunity to review the University's response to your FOI request and details of my review are set out below.

Request

On 17 March 2021, you made a request for the following information:

Please can you send me all data and statistics you have about the LGBT+ student community at the university, now and for as many past years as possible? Can you please set out the sources, forms and surveys that are used to derive the data?

I could ask you to let me know what data you collect (sex, gender, sexual orientation etc) but I'd imagine that what I'm looking for will be in one of two formats: reports produced (for health teams, governing boards, LGBT workers or student societies etc probably as part of equalities monitoring) or information extracted from a database. Does that make sense? Are there other possibilities?

Ultimately I ask the question: "What do you know about the LGBT+ student community at the university, and how has it changed over time?"

Response

The University responded to your request on 16 April 2021, referring to the University's annual Equality Duty Report (published here: <https://www.sussex.ac.uk/equalities/publications>). We also confirmed any other statistical information systematically collected/recorded and held by the University relating to LGBT+ students (namely sexual orientation or gender identity) would form part of the data that we provide to the Higher Education Statistics Agency ('HESA'), as part of the University's annual statutory returns.

The response confirmed that HESA publishes a variety of reports and sector wide data, and requests can be made for tailored data sets. As the information was already accessible (or due for future publication), we advised that the information requested was exempt from disclosure under section 21 and 22 of the Act.

Request for review

Following receipt of the University's response, you emailed on 11 May 2020 requesting an internal review. You stated that it was not true that the information was accessible and that you had spoken to HESA who collect a considerable amount of data that it does not publish and has no intention of publishing.

Internal review

I have reviewed the University's response to your FOI request and your email of 11 May 2020.

Under section 21 of the Act, the University is not required to provide information that is reasonably accessible to the requestor. Further, under section 22 of the Act, information that is held with a view to its publication at a future date is exempt information – this is relevant as HESA do not make data immediately available. .

To the extent that the requested information is collected and held by the University, this is for the purpose of our annual statutory returns to HESA. HESA proactively publish some data, but any other tailored data sets that are required – such as data on sexual orientation or gender identity – can be requested from the data analytics directorate (a joint HESA and JISC team) here: <https://www.jisc.ac.uk/tailored-datasets>. Therefore, the requested information is reasonably accessible to you.

Although there is usually a cost for tailored data sets, section 21(2)(a) of the Act confirms that *"information may be reasonably accessible to the applicant even though it is accessible only on payment"*.

On the basis of the above, I am satisfied that the University has responded appropriately to your request and that the exemptions were correctly applied.

However, if you remain dissatisfied, you have the right of appeal to the Information Commissioner's Office. Details can be found here: <https://ico.org.uk/make-a-complaint/>.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alex Elliott', with a stylized flourish at the end.

Alexandra Elliott
Head of Information Management and Compliance