

Exemptions applied to the Minutes of the Senior Management Group 17 March 2009

Section 1 of the Act sets out the right of any person requesting information from a Scottish Public Authority, such as the University of Glasgow, but this general right is subject to a number of exemptions. After careful consideration and having applied both the “harm test” and the “public interest test” set out in the terms of the Act where appropriate, the University has reached the conclusion that certain sections of the information you requested should not be disclosed. That is, we consider that it is not in the interests of the public for the requested information to be disclosed, therefore this information has been redacted.

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

- The disclosure of the information would, or would be likely to, **prejudice substantially** the commercial interests of any person (including the University)

EXSMG/2008/75 Student Lifecycle Project (Paper)

The University of Glasgow considers that some of the information in the minutes of the University SMG Meeting dated 17 March 2009 would be likely to prejudice substantially the commercial interests of both the University and the person/s recorded in the minutes.

Notwithstanding the result of the “harm test”, section 33 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.

The University has considered the public interest by applying the “public interest test”. That is, the University has balanced whether the release of the information is in the public interest against whether disclosure would substantially prejudice its own, or another person’s, commercial interests. The view of the Office of the Scottish Information Commissioner (OSIC), in its advice on the application of the “public interest test”, is that the public interest should not be interpreted as “of interest to the public”. That is, the potential release of the information must be in the interests of the public and not merely of individual interest. The public interest in the disclosure of the information requested is slight. The University of Glasgow operates in a very competitive environment and the public interest is in ensuring the continuing success of the University. The disclosure of the requested information would be likely to be detrimental to the public interest by inhibiting organisations from entering into relationships and working with the University. This potential to fail to achieve best value would substantially prejudice the commercial interests of the University of Glasgow.

In addition, the University must also consider the commercial interests of other person/s. This person/s operates in a very competitive environment and any release of information concerning its relationship with the University would be likely to lead to their competitors gaining an advantage. This would in turn be likely to adversely affect the commercial position of the organisation, causing real and significant substantial prejudice to their commercial interests. This would also thus potentially jeopardise the ability of the University of Glasgow to achieve best value.

The University therefore concludes that the “public interest test”, as required when applying section 33 of the FOISA, is met as the disclosure of the information requested would prejudice substantially the negotiating position of the University or may inhibit organisations from entering into relationships and working with the University. The public interest in withholding the information is greater than the public interest in its release.

EXSMG/2008/77 I&E Report (Period 7)

As before, the University has considered the public interest by applying the “public interest test”. That is, the University has balanced whether the release of the information is in the public interest against whether disclosure would substantially prejudice its own, or another person’s, commercial interests. As previously advised, the view of the Office of the Scottish Information Commissioner (OSIC), in its advice on the application of the “public interest test”, is that the public interest should not be interpreted as “of interest to the public”. That is, the potential release of the information must be in the interests of the public and not merely of individual interest. The public interest in the disclosure of the information requested is slight. The University of Glasgow operates in a very competitive environment and the public interest is in ensuring the continuing success of the University. The disclosure of the requested information at this time before the Annual Accounts of the University are audited would be likely to be detrimental to the public interest and the University by potentially revealing information that may be misinterpreted or may inhibit organisations from entering into relationships and working with the University.

The University therefore concludes that the “public interest test”, as required when applying section 33 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.

The University therefore concludes that the public interest is in withholding the redacted information in both instances and consequently the exemption under section 33(1)(b) applies.