

Our Reference: FOI.2021.07.406

**UNIVERSITY OF  
BIRMINGHAM**

Legal Services

**Director  
Mrs N Cárdenas Blanco  
Solicitor**

Matthew Wall  
What do they Know

(By Email)

19 October 2021

Dear Mr Wall

**Re: request for information under The Freedom of Information Act.**

Please accept our apologies for the delay in responding to your request for information dated 16 July 2021. If you have any queries with regard to this letter, please do not hesitate to contact us.

Please note our statement in respect of Copyright, which is also attached.

If you are dissatisfied with the manner in which your request has been dealt with, you may ask for an internal review. The University's Complaints and Appeals procedure is available at

<http://www.birmingham.ac.uk/university/governance/policies-regs/information/index.aspx>

Yours sincerely

Freedom of Information Team  
University of Birmingham

Encs



**Your request for information reads:**

*Where available, I would like to request data on the following:*

- 1. A list of all the postgraduate research degrees (PhD/MPhil/MRes etc) offered for the academic years 2017-18, 2018-19, 2019-20, 2020-21 with:*
- 2. the number of applicants for each postgraduate research degree (PhD/MPhil/MRes etc) for the academic years 2017-18, 2018-19, 2019-20, 2020-21 along with:*
- 3. the number of offers made for each postgraduate research degree (PhD/MPhil/MRes etc) for the academic years 2017-18, 2018-19, 2019-20, 2020-21 and:*
- 4. the number of students confirming their place at your University for each postgraduate research degree (PhD/MPhil/MRes etc) for the academic years 2017-18, 2018-19, 2019-20, 2020-21 Thank you.*

**The University of Birmingham responds:**

The University of Birmingham is required to respond to a request made under the Freedom of Information Act 2000 ("the Act") if it holds the information being requested, unless it is appropriate to apply one of the limited exemptions set out in the Act.

Due to the Coronavirus (COVID-19) pandemic The University of Birmingham is adapting its usual approach to processing Freedom of Information requests in order to meet the unprecedented challenges we are all facing. Whilst some staff are able to work remotely, since March 2020 they have been concentrating on supporting teaching and learning for our students under challenging circumstances. We are mindful that information requests place some degree of demand on a public authority's resources in terms of costs and staff time and that for the foreseeable future the University must prioritise resources to other areas.

- 1. A list of all the postgraduate research degrees (PhD/MPhil/MRes etc) offered for the academic years 2017-18, 2018-19, 2019-20, 2020-21 with:**

A list of PGR programmes that are currently available can be found at:  
<https://www.birmingham.ac.uk/study/index.aspx>.

Please see Refusal Notice 1 which explains why you are being referred to the University's website.

- 2. the number of applicants for each postgraduate research degree (PhD/MPhil/MRes etc) for the academic years 2017-18, 2018-19, 2019-20, 2020-21 along with:**
- 3. the number of offers made for each postgraduate research degree (PhD/MPhil/MRes etc) for the academic years 2017-18, 2018-19, 2019-20, 2020-21 and:**

In response to questions 2 and 3 please see Refusal Notice 4 below.



4. the number of students confirming their place at your University for each postgraduate research degree (PhD/MPhil/MRes etc) for the academic years 2017-18, 2018-19, 2019-20, 2020-21.

Historical intake data is available from the Higher Education Statistics Agency. Please see Refusal Notices 2 and 3.

## **Refusal Notice 1**

Reasons for non-disclosure

### **Section 21 – Freedom of Information Act 2000 – Information reasonably accessible by other means**

The information you have requested is available to the public on the University's website. Therefore, under Section 21 of the Act, the University has not provided this information. More information about this exemption is available on the Information Commissioner's Office's website. <https://ico.org.uk/>.

## **Refusal Notice 2**

### **Section 21 – Freedom of Information Act 2000 – Information reasonably accessible by other means**

Under Section 21 of the Act information is exempt from disclosure if it is reasonably accessible to the applicant by other means. This is an absolute exemption, and the University is therefore not required to consider the public interest as the information is already available to the applicant in the public domain.

The University holds the data being requested and, in line with all other universities in the country, submits it to HESA (The Higher Education Statistics Agency) <http://www.hesa.ac.uk/>, this is done on an annual basis. This information is available to the public. It should be noted that HESA publishes some of these data in headline form, with more detailed breakdowns available for a charge.

In this case, data for 2019/20 and earlier is currently available through HESA <https://www.hesa.ac.uk/data-and-analysis> and the University has provided you with a link to their website. Under section 21, the University is not required to provide you with the information being sought even if there may be a charge for obtaining that information from another source.

Refusal Notice 3 below explains why the University is withholding data for 2020/21 and 2021/22.

## **Refusal Notice 3**

Reasons for non-disclosure

### **Section 22 – Freedom of Information Act 2000 – Information intended for future publication**

Section 22 of the Act provides that information is exempt if, at the time the University receives a request for it:



- the University holds it with a view to its publication;
- the University or another person intends to publish the information at some future date, whether determined or not; and
- in all the circumstances it is reasonable to withhold the information prior to publication.

The University holds the information requested and in line with all other universities in the country, submits data to HESA on an annual basis.

Data for 2020/21 will be submitted to HESA in autumn 2021 and published in early 2022 and similarly data for 2021/22 will be submitted in autumn 2022 for publication in 2023. Therefore, the information requested is held by the University with the settled expectation that it will be published.

The University has considered whether to provide you with this information ahead of that publication date but has decided that it would not be appropriate to do so before the information and other contextual data have been made available at the same time as corresponding information relation to all other higher education institutions to ensure parity within the sector. Taking these factors into account, the University does not consider it to be in the public interest to disclose this information.

Therefore, under Section 22 of the Act, the University has not provided you with data for 2020/21 that you have requested.

More information about the exemption in this section of the Act is available on the Information Commissioner's Office's website <https://ico.org.uk/>.

## **Refusal Notice 4**

Reasons for non-disclosure

### **Section 43(2) – Freedom of Information Act 2000 – Commercial Interests**

The information you have requested is commercially sensitive and that to provide it would be likely to prejudice the University's commercial interests.

Application, offer and acceptance data are commercially sensitive because they are key assets in developing and implementing the University's marketing, recruitment and offering strategies. These in turn directly affect the University's ability to recruit high calibre students on whose fees and achievements the University's financial and reputational success depends.

Disclosing this type of information is likely to prejudice the University's ability to compete effectively and fairly in the highly competitive higher education market as it:

- Forms the basis of the way in which the University structures its business, which is one of the factors which distinguishes the University from its competitors;
- Discloses and gives unfair insight into the University's marketing, recruitment and offering strategies for the current recruitment cycle to competitor institutions.

It is the current policy of the Government that the higher education market should be competitive in the interests of students and the wider public and indeed, this is why it regulates markets and anti-competitive practices. Prejudicing the University's ability



to compete fairly is not in the public interest because the University is an engine of economic growth and long-term economic resilience through its role in developing highly-skilled knowledge workers, its research and generation of new knowledge and intellectual advances, its contribution to the cultural vibrancy of the region and the nation and as an employer. The University is also a charity and so its trustees are under a duty to avoid activities that might place the charity's endowment, funds, assets or reputation at undue risk. Taking these factors into account, the University does not consider it to be in the public interest to disclose this information.

Therefore, under S43(2) of the Act the University is not providing the information you have requested.

More information about the exemption in this section of the Act is available on the Information Commissioner's Office's website <https://ico.org.uk/>.



## **The University of Birmingham**

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