

Internal Review

Name of applicant: Manasi Rao

Request reference number: FOI 2022/321

Type of review: Application of exemption

Section 1 – Handling of the request

This section must be completed in all cases.

1. Was the request acknowledged within five working days? Yes
2. Was the response sent promptly and, in any event, within 20 working days? Yes
3. Did the response include contact details for requesting an internal review? Yes
4. Did the response include contact details for the Information Commissioner's Office? Yes
5. If an exemption was applied, did the response contain details of the exemption and the reason for applying it? Yes

Any other factors considered: Please outline any other request-handling factors considered during the review

Recommendations: If relevant, please outline any recommendations for improving the way requests are handled

Part 2 – Application of exemption(s)

This section only needs to be completed if the applicant has expressed dissatisfaction with the application of any exemptions applied.

1. Was the correct exemption identified? Yes
2. Does the reasoning behind the decision to apply the exemption appear to be appropriate? Yes
3. If the exemption is subject to the public interest test, were all relevant public interest factors identified? Yes
4. Were the public interest factors given due weight in reaching a decision? Please select

Any other factors considered: If relevant, please explain any other factors considered during the review

Conclusion: Decision to apply exemption upheld

Reason for conclusion: The Case Officer applied section 21 (information accessible to applicant by other means) which provides as follows:.... (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.(2) For the purposes of subsection (1)—(a) information may be reasonably accessible to the applicant even though it is accessible only on payment,....The information is available to the public via a service provided by UCAS called "EXACT". UCAS is an independent charity providing information, advice, and admissions service for higher

education. UCAS does not get any direct financial support from the government – the commercial activities such as the EXACT service allow UCAS to deliver the charitable objectives in the public interest. EXACT provides both a subscription for those making regular enquiries of its data sets and will provide also one-off requests. The costing for EXACT is based on the cost of delivering the service plus £50 per enquiry, which will then be used to fund the UCAS charitable objectives (ref: EXACT licence which is publicly available). The precise cost of a query will depend on complexity. EXACT will provide a quotation on request. There is a public interest consideration around allowing the use of FOIA to avoid EXACT fees as this would undermine the service provided and would be particularly acute where HE providers have an EXACT subscription. The requestor was provided with the relevant details for making a query of the EXACT service. The requestor makes the point that “Students often do not have any earnings and some could even be facing challenging economic circumstance.” The requestor does not however assert they themselves are in this position. The requestor has not mentioned whether they have sought a quotation from UCAS EXACT for the information they requested. We note that requestor may have made this request to more than one institution (we note that the request for IR inadvertently mentions Exeter University not Durham University.) The requestor has not therefore demonstrated that it would be unreasonable for them to use the EXACT service and the possibility that this is a requestor making multiple requests does raise the possibility that access of this data via FOIA could negatively impact on UCAS service which is not in the public interest. The case officer’s view that the information was “reasonable accessible to the applicant even though it is only accessible on payment” is therefore upheld.

Recommendations: none

Part 3 – Cost or ‘information not held’

This section only needs to be completed if the applicant has expressed dissatisfaction with application of the cost limit or an ‘information not held’ response.

1. If the request was refused on cost, does the cost estimate appear reasonable? Please select
2. Was the applicant given information about who to contact for advice about refining the request to bring it within the cost threshold? Please select
3. If the response was that no information is held, was a reasonable search undertaken? Please select
4. If the information is not held in one format but is held in another, was an explanation provided to the applicant? Please select

Any other factors considered: If relevant, please explain other factors considered during the review

Conclusion: Please select

Reason for conclusion: Please give reasons for the conclusion reached

Recommendations: If relevant, please outline any areas for improvement

Part 4 – Summary of findings

Actions taken in preparing this response: file review

Summary of findings: There is a public interest consideration around allowing the use of FOIA to avoid EXACT fees as this would undermine the service provided and would be particularly acute where HE providers have an EXACT subscription. The requestor makes the point that “Students often do not have any earnings and some could even be facing challenging economic circumstance.” The requestor does not however assert they themselves are in this position. The

requestor has not mentioned whether they have sought a quotation from UCAS EXACT for the information they requested. We note that requestor may have made this request to more than one institution (we note that the request for IR inadvertently mentions Exeter University not Durham University.) The requestor has not therefore demonstrated that it would be unreasonable for them to use the EXACT service and the possibility that this is a requestor making multiple requests does raise the possibility that access of this data via FOIA could negatively impact on UCAS service which is not in the public interest. The case officer's view that the information was "reasonable accessible to the applicant even though it is only accessible on payment" is therefore upheld.

Summary of recommendations: .

If you are not satisfied with the results of the internal review you may apply to the Information Commissioner's Office for an independent review.

Information Commissioner's Office
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Name: Kristina Holt

Position: University Data Protection Officer

Date: 05 August 2022