



Swansea University  
Prifysgol Abertawe

## Freedom of Information Request 243/20-21

*Response Date: 06/05/2021*

I would like to request the following data relating to all law courses (i.e. both the single honours LLB or BA and any joint honours law courses) offered by your university.

I am requesting the data for candidates who received offers for one of the aforementioned law courses in the 2018/2019, 2019/2020, 2020/2021 admissions cycles (I refer to these candidates as 'the offerholders').

If the data for 2020/2021 is not available for whatever reason, this is understandable.

I request the following data for each admissions cycle:

- 1) The number of offerholders who were either planning to complete or had completed an Access to Higher Education diploma as their most recent qualification.
- 2) The average, highest and lowest LNAT scores (where applicable) of the offerholders who were either planning to complete or had completed an Access to Higher Education diploma as their most recent qualification.
- 3) The average, highest, and lowest number of GCSEs of offerholders who were either planning to complete or had completed an Access to Higher Education diploma as their most recent qualification.

### RESPONSE

Your request has been considered and the University is not obliged to provide you with the information.

Section 17 of the Freedom of Information Act 2000 requires Swansea University, when refusing to provide such information (because the information is exempt), to provide the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if it would not otherwise be apparent) why the exemption applies.

In relation to your particular request, the following exemptions apply:

#### Section 43(2) – Commercial Interests

Section 43(2) refers to information being exempt from disclosure if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Section 43(2) is a qualified and prejudice based exemption therefore the legislators accept that there may be harm if released. The authority has to consider and describe the harm that would occur if the information were released and carry out a public interest test.

The 'public interest' is not however, what the public may find interesting, there must be some tangible benefit to the community in such disclosure. Ultimately it must be something which serves the interests of the public. It is a requirement to identify all the factors which serve these interests and also those which do not, only then can a decision be made.

#### Overall Harm



Swansea University  
Prifysgol Abertawe

Disclosing information relating to the University's student admissions could give potential competitors an insight into its student recruitment strategies. It would also give competitors an insight into its operational and financial performance in a market that is already highly competitive.

### **Public Interest Considerations**

#### **Factors favouring disclosure**

There is a requirement to provide to the general public a better understanding of how public funds are spent. One of the underlying principles of the Act is the need for openness and transparency. In this case, there is a public interest in establishing the admissions process of law programmes.

#### **Factors favouring non-disclosure**

Swansea University has a duty to protect the sensitive commercial information it holds. In this case, to release details of the qualifications and scores of offer holders would allow the university's competitors to identify gaps in the market and gauge the size, shape and capability of its student recruitment operations. Additionally, competitors could use the information to their advantage during a period of extreme turbulence to inform their strategic planning and could be used for marketing intelligence. The disclosure of this information would also give away the University's competitive advantage in relation to decision making process, conversion rates, inference with regard to entry requirements.

### **Balance Test**

In this case, there is a public interest in the use of public funds which needs to be weighed against the damage that would occur to release the information that is requested. Releasing such information would prejudice and weaken the University's position against its competitors in a highly competitive commercial market. Therefore, on balance, the factors favouring non-disclosure outweigh the factors favouring disclosure. As such, the public interest favours non-disclosure of the information at this time. Therefore in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This letter represents a refusal notice for your request.

**END OF RESPONSE**

