



Department for
Business, Energy
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Our ref: FOI2017/21625

9 January 2018

Dear Mr Todd,

Internal Review of response to Freedom of Information Request FOI2017/21625

I am writing following your email of 14 October 2017, asking for an internal review of the response to your Freedom of Information (FOI) request. I am a Director in the Department for Business, Energy and Industrial Strategy (BEIS), and I undertook the review. When I carried out the review I considered the information which was withheld, and whether the original response to your request was correct. My decision is explained below.

Your original request was made on 18 September 2017 and asked for the following information:

"In 2013[1] applications for a £15million scheme to "support entrepreneurship and innovation" were solicited by DBIS. Both Liverpool UEZ and Bradford UEZ submitted applications in January 2014, which were quoted from in a later document.[3](see footnotes p44 and p46) (Bristol and Nottingham won their bids as well, but I am including these specific dates in order to help you track down the records.)"

Please could I be sent:

(1) The list of all applicants to this University Enterprise Zone scheme, the winners of which were announced in July 2014;[4]

(2) Copies of the filled in applications from these four successful applicants;

(3) Copies of the filled in applications from the remaining unsuccessful applicants."

The Department answered your request on 29 September 2017. This explained that the information that you have requested is of a commercially sensitive nature because it refers to live commercial transactions that Government is currently supporting.

Having considered the information being withheld, in the light of your request for an internal review, I have concluded that the documents can be released in a partially redacted form to remove commercially sensitive material.

Section 43(2) of the Act states that “information is exempt information if its disclosure under this Act 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 exemption and therefore the balance of the public interest in disclosing and withholding the information must be considered.

While the release of the information would provide greater transparency in Government processes, we judge that it would, or would be likely to, prejudice the interests of the universities, organisations and businesses associated with the UEZ applications by damaging the confidence which customers, suppliers or investors have, threatening their ability to obtain supplies or secure finance, and in some cases weakening their position in a competitive environment, by revealing market-sensitive information or information of potential usefulness to its competitors. There is significant public interest in the Department, and other Government departments, receiving commercially sensitive information from companies which allows Government to fulfil its functions more effectively. Disclosure of such commercially sensitive information would limit the amount of information of this nature that Government receives in future, limiting the effectiveness of Government activity, which is not in the public interest.

Having considered the public interest, on balance, we consider that the public interest in disclosing the information is outweighed by the public interest considerations in favour of withholding the information for the reasons above. We have therefore withheld information by engaging Section 43(2).

In addition, some information constitutes personal data and has been withheld. **Section 40** of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the names or personal signatures of third parties and do not think that any of the relevant conditions apply.

As per your request the UEZ applicants were Bradford, Bristol, Liverpool, Nottingham, Birmingham, Manchester and Newcastle universities. The associated application forms can be found at Annexes A to I (please note: redactions made at the start and end of reports and letters are under section 40 – personal information, and all other redactions have been made under section 43 – commercial interests).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

Jenny Dibden
Director Science, Research and Innovation