

Our ref: FOI/2223/237/IR

Name: A. Rawlins
By email to: request-933652-61330f77@whatdotheyknow.com

13 February 2023

Freedom of Information Team

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Dear A Rawlins,

Your request for an internal review of your FOI (Freedom of Information) request has been considered. A response is provided below.

Original request and response

You asked for data regarding Welsh domiciled applicants for dentistry courses from 2017-2022. We confirmed that the University did hold information within the scope of the request. We supplied all information held but withheld some data under section 40(2) of the Freedom of Information Act.

Reason for internal review

You contend that withholding data for datasets with less than 5 individuals is an incorrect application of section 40(2) of the Freedom of Information Act. You state that the data requested relates to anonymous counts of applicant numbers, and does not identify any individuals. You noted that ICO guidance further advises that in situations where an organisation is unsure on the appropriate release of data, a 'motivated intruder' test should be applied. You asked us to clarify the proposed mechanism of reidentification of these individuals.

Internal review response

The purpose of an internal review is to consider whether your request was handled correctly under the terms of the Freedom of Information Act (FOIA).

a) Handling of your request

We received your request on 3 January 2023 and responded by email on 2 February 2023. This was within the statutory deadline and follows section 10(1) of the FOIA. Our response did set out our review procedure and your right to complain to the Information Commissioner, as required by section 17(7) of the FOIA.

b) Reasons for the response, information withheld, or exemptions applied (if applicable)

Section 40(2) of FOIA provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and the disclosure of the information would contravene any of the principles relating to the processing of personal data as set out in Article 5 of the UK General Data Protection Regulation ('UK GDPR').

I have reviewed your request in two parts – looking at the data for the A200 course and the Foundation Year separately. This is because there is a significant difference in the size of the datasets.

For data relating to the A200 course, the way the request has been structured does not immediately allow a person to deduce an identity of an individual. I considered the ICO "Motivated Intruder Test." This test starts with a hypothesis that there exists a person who wishes to identify the individuals covered by the disputed information. The person is willing to devote a considerable amount of time and resources to the process of identification. They may have some inside knowledge (i.e. information not already in the public

domain) but will not resort to illegality – they are determined but not reckless. In this instance, I do not believe this to be the case.

I moved on to review the decision regarding how such a person could go about identifying the individuals involved. The arguments made do not show how a person could deduce an identity of an individual. Therefore, I agree that the exemption was incorrectly applied. A revised data set is provided below.

2022 entry	Applied	Invited to interview	Received offer (including deferrals)	Started course
Welsh domiciled applicants	62	26	6	4

2020 entry	Applied	Invited to interview	Received offer (including deferrals)	Started course
Welsh domiciled applicants	21	12	9	4

2022 entry	Total applicants	Welsh domiciled applicants
Number applying for a contextual offer*	109	4

I then went on to review the data relating to the Foundation to Human and Animal Health Professions OAAW (Dentistry Year 0) element of the request.

A very small number of students fall within the scope of the request and use this entry route to the A200 programme. An individual could be identified if combined with other information already in the public domain (mosaic effect) or released at a future date (precedent effect). The fact that an individual came through the foundation route immediately narrows the pool of individuals studying on the A200 course in a particular entry year. Home location is often included in freely available information, such as Twitter and Facebook profiles. It is plausible that someone could deduce the identity of these individuals. I agree that it is appropriate that totals where cohorts are less than five individuals are suppressed.

I am satisfied that if the University were to release the actual totals that were suppressed, individuals would be likely to be identified. I conclude that data subjects would not have any reasonable expectation that their home domicile, at such as disaggregated level, would be made public [Article 5(1)(a)]. My conclusion is that the University was correct to apply section 40(2) of FOIA to the withheld information for this part of the request.

Following this internal review, if you are still dissatisfied with the handling of your request, you have a right to appeal to the Information Commissioner at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 0303 123 1113 www.ico.org.uk.

There is no charge for making an appeal.

Yours sincerely

Dan Howarth

Dan Howarth
Data Protection Officer
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