



University of East Anglia

Information Services Directorate

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28 July 2016

Dear [REDACTED]

**Freedom of Information Act 2000 – Information request (ref: FOI\_16-143)**

We have now considered your request of 11 July 2016 for information relating to the marketing functions of this University.

Our response is on pages 4-5 of this letter, together with a copy of your request.

On this occasion, it is not possible to provide all the requested information. The Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemptions to part of your request.

Exemption	Reason
s.43(2), Prejudice to commercial interests	Disclosure of information would, or would be likely, to prejudice the commercial interests of a person as defined by the Act
Section 44(1)(a), Prohibitions on disclosure	Disclosure is prohibited by or under any enactment

*Section 43(2) exemption*

We have applied this exemption to portions of question 1, and to questions 3, 4 and 5 of your request. It is our belief that release of this information would prejudice the commercial interests of the University.

As an exempt charity under the Charities Act 2011, the University has a duty to make effective use of its financial resources.

This University competes in the Higher Education market with leading UK and international universities and therefore must ensure that information that would be strategically useful to its competitors is not placed in the public domain. Release of such information would potentially compromise the University's ability to attract high quality students that allow it to be a progressive and sustainable institution. The University's position would be significantly compromised if it were to release information which would benefit its competitors.

Student recruitment is undoubtedly a commercial activity for all universities. The University's success in recruiting students, and the manner in which we do so, directly affects both our reputation and financial position. It follows that information

about how the University markets itself to potential students can readily be seen as commercially sensitive.

The UK Higher Education sector is a highly competitive environment. Recent regulatory changes, such as the lifting of the cap on university places in England, have increased competition between institutions. All universities seek to recruit the best students from a limited pool of prospective UK and international applicants, as well as competing to attract high quality staff, research funding and accreditation. This competition is both on a national and international scale with UK-based institutions in direct competition with institutions around the world for funding, students, and staff.

With regard to the requested marketing information, UEA, in common with other universities, undertakes various advertising activities with the aim of promoting the institution to our target markets, at home and overseas. This is a vital activity that directly affects our ability to compete within the sector.

The manner in which we direct funding to create a comprehensive and engaging marketing strategy and organise our marketing unit and activities provides us with a possible advantage compared to those competitors who undertake this activity less effectively. We do not share any details of our tactical marketing funding, staffing or activities with competitors, as even a total or historical figure or indication of change for each would provide them with the insight to match and potentially exceed our activities.

Similarly, disclosure of information revealing our marketing staffing costs, headcount and internal organisation would reveal our recruitment strategy, in terms of whether we were devoting more or less resource to marketing, as well as our emphasis on recruitment of various categories of students. Again, this is not information we would choose to make publicly available and we believe the University's position would be significantly compromised if competitor institutions were to obtain this knowledge about our activities.

We would also consider it quite likely for such prejudice to our interests to occur, given the sensitivity of the requested information, the consistent treatment of it as commercially sensitive by not only UEA but other Higher Education institutions, and the degree to which the number and value of applicants and subsequent registrants is now critical to any university's success.

The application of this exemption requires an examination of the public interest in disclosure as opposed to that in non-disclosure. There is no doubt that there is a legitimate public interest in knowing the amount and way in which public time and effort are spent in this respect, both to further the transparency and accountability of public authority activities.

We would counter that there is also a public interest in protecting the ability of institutions to compete on a level playing field and to ensure that there is fair competition between universities for prospective students. By protecting the University's marketing information from public disclosure we are acting in line with established practices across the sector within the UK and internationally in maintaining this fair competition.

To disclose the requested information would prejudice this institution's competitive and commercial position, and it is difficult to see how this could be in the public interest. In addition, we feel that the information that we are releasing offers up sufficient information in regards the role and amount of funding afforded to marketing activities at UEA.

On balance, we therefore believe the public interest lies in withholding the requested information.

### *Section 44(1)(a) exemption*

Section 44 (1)(a) permits the University to withhold information if its disclosure would be prohibited by law. Under the Competition Act 1998, the University must exercise caution in releasing any information of a strategic nature such that it may constitute an exchange that would infringe Competition Law by placing it in the public domain where it could potentially be accessed by other Higher Education Institutions.

Competition law is seen to be infringed if parties do not actually agree on an anticompetitive act but exchange confidential information that would lead competitors to understand how and what benchmarks have been set. This would include the release of strategic, or strategically useful, information. It is therefore necessary to withhold strategic information that is not already in the Public Domain and we believe that this would include confidential information about marketing funding and organisation.

The information requested in questions 1, 3, 4 and 5 is undoubtedly strategically useful. As noted above, such information is not made public, largely because we believe it could aid competitor institutions to our own detriment. The free competition between institutions would therefore be adversely affected in breach of the provisions of the Competition Act and this leads to the exemption under s.44(1)(a). .

Section 44 is an absolute exemption and the University is not required to consider the public interest in the release of this data.

We hope this response will meet your requirements, however if you are not satisfied you have the right of appeal. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address. You must appeal within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

You also have a subsequent right of appeal to the Information Commissioner's Office. Further information is available on their website:

[https://ico.org.uk/Global/contact\\_us](https://ico.org.uk/Global/contact_us), or by telephone on 0303 123 1113.

Please note that any material over which UEA has copyright is released on the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information provided.

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

Dave Palmer  
Information Policy and Compliance Manager  
University of East Anglia

## Response to Freedom of Information Act 2000 request (FOI\_16-143)

1. Listed below are various functions that typically sit within Marketing. Please provide the information as requested for the functions that sit within your main Marketing Department in 2015/16. If it is not possible to provide a breakdown, an indication of what the department is responsible for and a bottom line figure for headcount, pay and non-pay budget will suffice.

Function	Headcount	Pay budget	Non-pay
Admissions – UK and / or International	<b>[Information exempted pursuant to s.43(2) and 44(1)(a), Freedom of Information Act]</b>		
Alumni Relations			
Branding			
Design			
Events (public / profile raising)			
Corporate Communications			
Fundraising			
Internal Communications – Staff			
Internal Communications - Students			
Publications			
Marketing – International			
Marketing – UK			
PR / Media Relations			
Student Recruitment – UK			
Student Recruitment – International			
Website (Content)			
Website (Development)			
Outreach (School / College Liaison)			
Widening Participation			
B2B / Commercial Marketing			
Other (please specify)			
TOTAL			

A general statement of the responsibilities of the UEA Marketing team is presented upon our website (see: <https://portal.uea.ac.uk/arm/marketing>).

2. Please indicate how many applications / enrolments you achieved in the last full recruitment year for the following:

Our response is presented within the table you provided below:

	Applications	Enrolments
UK / EU UG (FT)	20,599	3,620
UK / EU PG (FT)	4,272	1,109
PT	1,465	1,206
International	16,352	1,980

3. Please indicate if any other Marketing functions exist within the University (e.g. within Schools / Faculties)? If so, what do they cover, what is the headcount for them, and what was the budget in the most recent full financial year (pay and non-pay)?

**[Information exempted pursuant to s.43(2) and 44(1)(a), Freedom of Information Act]**

The requested information is exempted from release for the reasons noted in the letter above.

4. Please indicate any percentage change in Marketing headcount, pay budget and non-pay budget from 2014/15 to 2015/16, and planned change between 2015/16 and 2016/17.

**[Information exempted pursuant to s.43(2) and 44(1)(a), Freedom of Information Act]**

The requested information is exempted from release for the reasons noted in the letter above.

5. Please provide an up-to-date structure chart for your main Marketing Department (job titles only will be fine).

**[Information exempted pursuant to s.43(2) and 44(1)(a), Freedom of Information Act]**

The requested information is exempted from release for the reasons noted in the letter above.