



University of East Anglia

Information Services Directorate

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21 October 2016

Dear

Freedom of Information Act 2000 – Information request (ref: FOI_16-189)

We have now considered your request of 26 September 2016 as clarified on 27 September and 05 October for structure charts, inclusive of names of staff members, for each of our Professional Services departments.

Our response is on pages 4-5 of this letter, together with a copy of your request and within the attached document entitled FOI_16-189 Appendix A.

On this occasion it is not possible to provide all the requested information. In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm that the University does not have an in-house legal professional service and therefore there is no structure to represent in a chart.

Additionally, the Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption 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

Exemption explanation

In regards the application of section 43(2), it is our belief that the release of an organisational chart of the marketing function at UEA would or would be likely to, prejudice the commercial interests of the University.

The Information Commissioner’s Office has established a multi-criteria test for assessing whether a section 43(2) exemption applies.¹ The first criterion is whether the information relates to, or could impact on a commercial activity. The First Tier Tribunal (Information Rights) has conclusively stated that universities, despite their charitable status, do engage in commercial activities. The commercial activity here is the recruitment, and admission of prospective students. The successful admission of students is very much a core element of the commercial activity of the University and is critical to maintaining our ability to compete within the Higher Education sector.

¹https://ico.org.uk/media/for-organisations/documents/1178/awareness_guidance_5_v3_07_03_08.pdf

The second criterion is whether the commercial activity is conducted in a competitive environment. Universities operate in a global marketplace competing for research funding, students and accreditation. The UK HE sector is highly competitive as universities are seeking to recruit from a limited pool of prospective UK and International students.

The next criterion is whether the information is commercially sensitive. Significant resources are devoted to marketing and communication activities, and the efficiency and effectiveness with which we conduct this function is a factor in our ability to compete successfully in the national and international market for students. The manner in which our marketing function is organised provides us with an advantage compared to other institutions who undertake this activity less effectively. The speed, accuracy, and manner with which we conduct our marketing activity has been shown to have an impact on our ability to recruit, and convert into registrants, a high number of high quality candidates for admission to the University.

Additionally, it is known that universities do seek to know, and are interested in how other institutions organise their marketing function so they can replicate successful strategies. It is our belief that the organisation of our marketing function is commercially sensitive information. It gives UEA a competitive advantage and we would not want to release this information.

The next criterion goes to the prejudice itself; would there be damage to the University's reputation, business confidence or ability to compete? Under FOI, release to one requester can be considered as release to the world. It is our position that release of the organisation of our marketing function would reveal the competitive advantage we currently possess in this area. Our competitors could use this information to alter their own marketing organisation, negating the competitive advantage UEA possesses, and UEA would lose applicants that we are currently converting to registrants.

The final criterion is the likelihood of such prejudice occurring. We are aware of interest from other institutions in the organisation of our marketing unit and certainly would have an interest in having access to similar information from our competitors. We feel confident that our competitors would use such information to 'close the gap', target their activities to those that we undertake, and as a consequence, reduce our ability to compete within this market.

Public Interest Test

A public interest test² must be applied to the exemption for prejudice to commercial interests. There is no doubt that there is a legitimate public interest in knowing the way in which activities undertaken by public authorities are organised which furthers both the transparency and accountability of such 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 for prospective students. To disclose this information would prejudice this institution's competitive and commercial position, and it is difficult to see how this could be in the public interest. Given the importance of such activities to the recruitment of students to an institution, any distortion of the process would not be in the interests of maintaining a competitive environment.

We hope this information 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

²http://www.ico.org.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/the_public_interest_test.aspx

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, 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_16-189)

Can you please provide a detailed structure chart, with names of staff members, for each of your Professional Services departments including the following:

[Clarified on 27 September to accept structure charts of management positions only where structure charts showing all staff within a unit are not available; further clarified on 05 October to include the Planning Unit at UEA within the scope of the request]

Executive Board

An organisation chart for the Executive Team of UEA can be accessed on our website here: <https://www.uea.ac.uk/about/our-university/executive>

HR

An organisation chart for the Human Resources Division of UEA can be accessed on our website here:

https://www.uea.ac.uk/documents/2506781/0/organisation_chart.pdf

Finance

An organisation chart for the Finance Office within UEA is within the attached document entitled 'FOI_16-189 Appendix A'.

Marketing and Communications

An organisation chart for the Communications Office within UEA is within the attached document entitled 'FOI_16-189 Appendix A'.

[Information exempted pursuant to s.43(2), Freedom of Information Act]

Information relating to the Marketing unit within UEA is exempted from release for the reasons noted in the above letter.

Procurement

An organisation chart for the Procurement unit within UEA is within the attached document entitled 'FOI_16-189 Appendix A'.

Estates and Facilities

An organisation chart for the middle and upper management layers of the Estates and Building Division of UEA is within the attached document entitled 'FOI_16-189 Appendix A'.

Legal

[Information not held - s.1(1)(a), Freedom of Information Act]

UEA does not have an in-house legal professional function.

Project Management / Strategic Planning Office

An organisation chart for the Project Management Unit within the Information Services Division of UEA can be accessed on our website here:

<https://portal.uea.ac.uk/documents/6207125/6293741/isdstaffingstructure.pdf/>

Planning Office

An organisation chart for the Planning Office within UEA is within the attached document entitled 'FOI_16-189 Appendix A'.