



University of East Anglia

Information Services Directorate

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17 November 2016

Dear 

Freedom of Information Act 2000 – Information request (ref: FOI_16-225)

We have now considered your three (3) requests of 14 November 2016 for information relating to emails passing via UEA webmail between various members of the Union of UEA Students (UUEAS) Executive for the period from 1st June 2016 until present. As noted in our letter of 15 November acknowledging receipt of your requests, we are amalgamating and responding to all your requests as one in order to reduce paperwork and because we believe that the requests are so similar in all respects that they can be addressed within one response.

On this occasion it is not possible to provide 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 hold any of the information requested.

Whilst there is no doubt that UEA hosts Union of UEA Students email addresses and correspondence, we do not hold it legally for the purposes of the Act. This is due to section 3(2)(a) of the Act which states that “...*information is held by a public authority if it is held by the authority, otherwise than on behalf of another person...*” It is our position that UEA holds the requested information solely on behalf of the UUEAS and not in its own right. Therefore, UEA does not hold the requested information for the purposes of the Act.

Further information and guidance from the Information Commissioner’s Office is available on when [information is held for the purposes of the Act](#)¹ and it sets out a number of criteria for assessing whether an institution holds information solely on behalf of another person or institution. Our belief is that the circumstances under which we hold UUEAS correspondence firmly and conclusively meet the criteria for holding information solely on behalf of another person.

We would further advise that the UUEAS is [a separate legal entity from UEA](#)² and, as a limited company under the Companies Act 2006, it does not constitute a public authority subject to the Act.

¹ <https://ico.org.uk/media/for-organisations/documents/1148/information-held-by-a-public-authority-for-purposes-of-foia.pdf>

² <https://www.uea.ac.uk/union/governance/constitution/>

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, 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