



University of East Anglia

Information Services Directorate

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13 May 2016

Dear

**Freedom of Information Act 2000 – Information request (ref: FOI\_16-112)**

We have now considered your request of 05 May 2016 for the following information:

*‘...the list of Azerbaijani students who are currently studying and have had an advantage to study in the University of East Anglia in the past. The list of the students may also include their department and years of study.’*

Our response is as follows:

On this occasion it is not possible to provide the requested information. In line with section 17 of the Act, this letter acts as a Refusal Notice. The Freedom of Information Act (FOIA) contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to your request.

| Exemption                     | Reason   |
|-------------------------------|--|
| s.40(2), Personal information | Disclosure of information would contravene one of the data protection principles |

We believe that information identifying past and present Azerbaijani students, including information on their department and years of study, represents their personal data, as defined by section 1(1) of the Data Protection Act 1998 (DPA).

While we note you have not explicitly requested the students' names, we have concluded your request for a 'list of Azerbaijani students' would necessarily include names, to enable you to update the database you mention elsewhere in your request. We have therefore considered your request for a 'list' to be a request for a list of names.

When a request is made under FOIA for information that includes personal data we are required to consider whether disclosing those data would breach the data protection principles contained within the DPA.

In considering a disclosure under FOIA, the University must also take into account that any information released under the Act will be placed in the public domain, through our own disclosure log or by other means.

We believe that disclosure of the requested information would breach the first data protection principle under the DPA; namely that information must be fairly and

lawfully processed, and that the processing also meets one of the conditions set out in Schedule 2 of that Act (and in the case of sensitive personal data, a condition in Schedule 3).

We have followed the Information Commissioner's guidance<sup>1</sup> in assessing whether it is fair to disclose this information under FOIA. This involves considering the nature of the information, the expectations of and potential harm (of disclosure) to the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

We note that the requested information is not made publicly available. The students, past or present, would not have had a reasonable expectation that this information would be made public, either now or at the time they enrolled at UEA. We do not think there is a legitimate interest in disclosing this information to the public, and have therefore concluded that disclosure of this information would not be fair.

The Information Commissioner's guidance (see footnote 1) notes that if a public authority has determined disclosure would not be fair then it must not release the information under FOIA. In such circumstances there is no need to consider the conditions in Schedule 2 or 3 of DPA.

We are sorry we cannot fulfil your request on this occasion, but trust this response explains our position. If you are not satisfied you have the right of appeal against this response. 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

Ellen Paterson  
Information Policy and Compliance Manager  
University of East Anglia

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<sup>1</sup> <https://ico.org.uk/media/for-organisations/documents/1213/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf>