



University of East Anglia

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[REDACTED]

11 February 2016

Dear [REDACTED]

Freedom of Information Act 2000 – Information request (ref: FOI_16-013)

We have now considered your request of 14 January 2016 for information regarding revenue from graduation-related products and activities at UEA. Our response is on page 4 of this letter, together with a copy of your request, and we hope this will meet your requirements.

It is not possible, however, 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 hold the following information:

- A contract nor any 'request for proposal' or 'request for tender' (or similar) document from the last occasion the provision of gowning services by Ede & Ravenscroft was procured by UEA. This service has been provided by the suppliers for many years on a standing order basis and the original contract is no longer held.
- Revenue generated by UEA and commission received for testamur framing products due to the fact that we do not provide such a service.
- Revenue generated and commission received for photography services/products from Ede & Ravenscroft because, whilst provided by Ede & Ravenscroft, this service is provided in a contract with the Union of UEA Students (UUEAS) and not with UEA itself. UUEAS is a separate body from UEA for the purposes of the Act.
- The percentage or 'per item' commission received by UEA from Ede & Ravenscroft for gowning and robing services due to the fact that the commission invoice is lacking a breakdown by unit.
- Revenue generated by UEA and commission received for 'other graduation-related merchandise' such as videos and clothing due to the fact that the contract in both is directly between the graduates and the supplier with no involvement of UEA.

Additionally, we note that 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), Commercial interests	Disclosure of information will 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, supported by direct evidence provided by Ede & Ravenscroft, that the release of the revenue generated by UEA for gowning and robing services would or would be likely to, prejudice the commercial interests of a party; in this case Ede & Ravenscroft themselves.

The Information Commissioner's Office has established a multi-criteria test for assessing whether a section 43(2) exemption applies¹ and we address each criterion in turn.

The first criterion is whether the information relates to, or could impact on a commercial activity. We would maintain that the sale and purchase of gowning and robing services is undoubtedly a commercial activity.

The second criterion is whether the commercial activity is conducted in a competitive environment. The University must obtain the best deal for its gowning and robing services, and there are a number of companies seeking to provide those products and services who are required to compete against one another to win business in the higher education sector.

The next criterion is whether the information is commercially sensitive. The revenue information requested would be likely to, in combination with the number of graduates in 2015 and unit pricing information reveal the commission rate paid to UEA and the return to Ede & Ravenscroft. This is particularly true in this case in which we are aware that this information is being sought from a large number of higher education institutions within the UK as this will provide a picture of the commissions paid across the sector.

The next criterion is whether there will be damage to the commercial interests of Ede & Ravenscroft. Flowing directly from the commercial sensitivity of the requested information is the fact that use of such information by competitors would put Ede & Ravenscroft at a distinct disadvantage in any tendering process within the higher education sector. We have consulted with Ede & Ravenscroft and have been directly informed by them that they feel that release of the revenue information would give a significant advantage to its competitors and damage Ede & Ravenscroft's ability to compete effectively in future tender processes across the UK HE sector.

Under FOI, release to one requester can be considered as release to the world. It is our position that release of this information would, in effect, provide competitors of Ede & Ravenscroft with information that would be prejudicial to the commercial interests of Ede & Ravenscroft.

The final criterion is the likelihood of such prejudice occurring. Given that the services provided by Ede & Ravenscroft are subject to tender across the sector, the commercial sensitivity of the information, and the competitive nature of this area, we are confident that there is a strong possibility that this information would be used, and that the prejudice would occur.

Public Interest Test

¹http://www.ico.gov.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/AWARENESS_GUIDANCE_5_V3_07_03_08.ashx

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 amount and way in which public funds are spent in this respect, both to further the transparency and accountability of public authority activities.

However, there is also a clear public interest in ensuring there is fair competition for public sector contracts and in maximizing the return of any investment to the public sector. Any distortion of the process of securing such services to the disadvantage of one firm has the potential effect, in this case, of reducing revenue to the public sector which would not be in the public interest. On balance, we believe the public interest lies in maintaining and securing in the current process for these types of contracts.

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.

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, or by telephone on 0303 123 1113.

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

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

Response to Freedom of Information Act 2000 request (FOI_16-013)

Please provide information relating to revenue generated by UEA through graduation-related products and services, specifically:

- Including the following providers:
 - o For gowning/robing services - Ede & Ravenscroft.
 - o For photography services/products - Ede & Ravenscroft.
 - o For testamur framing products - the nominated provider.
 - o Any other graduation-related merchandise that generates significant revenue for the university - the nominated provider(s).
- Including the following statistics:
 - o The percentage or 'per item' commission received by UEA from each provider, where applicable.
 - o The approximate total revenue received by the university for each product/service in 2015 or 2014, depending on what information is more readily available.

The responses to all the above questions are presented within the below table³.

Service/Merchandise	Supplier	Revenue	Commission
Gowning/Robing by	Ede & Ravenscroft	[Exempted, s.43(2), FOIA]	
Photography by	Ede & Ravenscroft	[Not held, s.1(1), FOIA]	
Testamur framing	[Not held, s.1(1), FOIA]		
Other merchandise			
Graduation brochures	UEA	£11,806.25	Not applicable ⁴
Video recordings	lamagraduate.com	[Not held, s.1(1), FOIA]	
Clothing	Union of UEA Students	[Not held, s.1(1), FOIA]	

- Including the following documents:
 - o The 'request for proposal' or 'request for tender' (or similar) document from the last occasion each of the above provider arrangements was released for tender.

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

The University does not hold the requested information for the reasons noted above.

- o The contracts between UEA and each of the above providers.

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

The University does not hold the requested information for the reasons noted above.

³ Data provided is for 2015.

⁴ 'Not applicable' as the University itself is the supplier and therefore there is no commission to earn.