

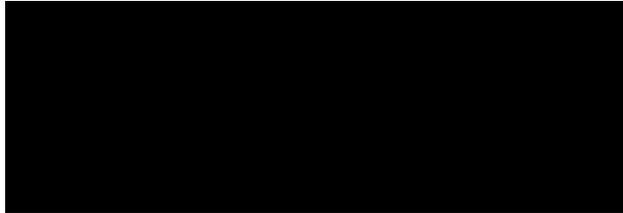


University of East Anglia

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05 June 2017

Dear

**Freedom of Information Act 2000 – Information request (ref: FOI\_17-113)**

We have now considered your request of 05 May 2017 for information relating to the electrical infrastructure and maintenance at UEA.

Our response is on page 4 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 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

The s.43(2) exemption applies to part of the information requested in question 4 of your request; namely the annual budget for the maintenance of electrical installations within our buildings. It is our belief supported by direct evidence provided by CBRE, the firm carrying out said maintenance that release of this information would, or would be likely to prejudice the commercial interests of CBRE.

The Information Commissioner’s Office has established a multi-criteria test for assessing whether a section 43(2) exemption applies<sup>1</sup> and we address each criterion in turn.

The provision of electrical maintenance services to large, multi-structure organisations such as UEA is undoubtedly a commercial activity. It is conducted in a highly competitive environment as evidenced by requirement for a tendering process to secure the provision of this service.

The third, and critical criterion is whether the information is commercially sensitive. The annual budget for such maintenance and testing provided by CBRE is effectively what is spent annually and would be likely to reveal information about the unit cost for the provision of this service by CBRE within the overall suite of services provided by CBRE. In a highly competitive environment, such information is crucially important

<sup>1</sup>[https://ico.org.uk/media/for-organisations/documents/1178/awareness\\_guidance\\_5\\_v3\\_07\\_03\\_08.pdf](https://ico.org.uk/media/for-organisations/documents/1178/awareness_guidance_5_v3_07_03_08.pdf)

to any competitors for the provision of this service. We have consulted with CBRE and have been directly informed by them that they feel that this information is not discussed widely and is, in fact, commercially sensitive.

The next criterion is whether there will be damage to the commercial interests of CBRE. Flowing directly from the commercial sensitivity of the requested information is the fact that use of such information by competitors would likely put CBRE at a distinct disadvantage in both any tendering process and in completion for trade in this field.

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 CBRE with information that would be prejudicial to the commercial interests of CBRE.

The final criterion is the likelihood of such prejudice occurring. Given that the services provided by CBRE are subject to tender, 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.

The application of this exemption requires an examination of the public interest in disclosure as opposed to that in non-disclosure. We acknowledge there is a public interest in what public institutions expend for the maintenance of their infrastructure and that the release of the requested information may provide a 'window' into this area. By providing the requested information we may enable the public in knowing the amount and way in which public resources 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 protecting the ability of institutions to compete on a level playing field. Any distortion of the tendering process has the potential effect of raising costs to the public sector which would not be in the public interest.

Revealing the annual budget for electrical maintenance will not increase understanding of the tendering process, nor will it lead to improved or more numerous bids being submitted in the future. In response to a [prior request](#),<sup>2</sup> we have released a figure representing the value of the overall contract with CBRE for the provision of various services and we feel that this provides adequate information on the expenditure by UEA for the upkeep of its estate. On balance, therefore, we believe the public interest lies in maintaining in withholding the requested information.

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.

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<sup>2</sup> [https://portal.uea.ac.uk/documents/6207125/11658459/160509\\_Response+letter\\_FOI\\_16-102\\_Redacted.pdf/](https://portal.uea.ac.uk/documents/6207125/11658459/160509_Response+letter_FOI_16-102_Redacted.pdf/)

Yours sincerely

Dave Palmer  
Information Policy and Compliance Manager  
University of East Anglia

## Response to Freedom of Information Act 2000 request (FOI\_17-113)

*1. How many times have electrical installations within your buildings been tested in the last five years? Please specify a number, or state 'don't know'*

All electrical installations have been tested once within the last five years. Electrical installations within the swimming area of Sportspark however, are tested annually and electrical installations within leisure complexes and places of public entertainment are tested every 3 years.

*2. How many times has electrical equipment / portable appliances within your buildings been tested over the past five years? Please specify a number, or state 'don't know'*

The number and frequency of testing of electrical equipment and portable appliances varies by the type of equipment as set out below:

- All Equipment Used by the public – Monthly
- All other areas and types of equipment – Every 24 months

The frequency of testing is risk assessed and subject to change.

*3. How many times has remedial electrical work been required, or an electrical installation deemed unsatisfactory, over the past five years? Please specify a number, or state 'don't know'*

Our response is presented within the table below:

Code	Description	Number
C1	Danger present - risk of injury and immediate remedial action required	15
C2	Potentially dangerous - urgent remedial action required	823
Total		838

Our response is based upon the understanding that 'remedial work' in this context means instances which certain defects or damage is observed and remedial works are required to satisfy the duties imposed on duty holders by the Health and Safety at Work etc Act 1974 and the Electricity at Work Regulations 1989, resulting in an Electrical Installation Condition Report (EICR) that assesses the safety of an installation.

*4. How much do you budget each year for the maintenance and testing of electrical installations within your buildings? Please specify a number, or state 'don't know'*

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

Release of information requested within this question relating the maintenance budget would, or would be likely to, prejudice the commercial interests of CBRE for the reasons outlined in the letter above.

The testing budget was £1.3 million last financial year.

*5. How many times in the past 12 months have fire alarms in your buildings been maintained? Please specify a number, or state 'don't know'*

Fire alarm systems in every building were tested 52 times in the last year. Fire equipment has been inspected once.

*6. How many students attend your institution? Please specify a number, or state 'don't know' here*

As of 05 June, 16,270 attend UEA.

*7. How many students have been injured as a result of electrical installations within your buildings in the last five years? Please specify a number, or state 'don't know'*

One (1).