



University of East Anglia

Information Services Directorate

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[Redacted]

07 December 2017

Dear [Redacted]

Freedom of Information Act 2000 – Information request (ref: FOI_17-281)

We have now considered your request of 10 November 2017 for the following information:

- 1. Please provide papers, memos, minutes of meetings and reports that relate to the university's unconditional offer scheme and/or any pilots prior to the scheme's introduction. (I'm referring to unconditional offers of places made pre A-level results to certain undergraduate degree applicants).*
- 2. Please provide any analysis/research carried out by the university of the actual A-level (or equivalent) results of candidates that were made unconditional offers and how they compare to the candidates predicted grades.*

We regret that 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 Act 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.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

We have applied this exemption to all the information held by UEA relevant to this request. It is our belief that release of this information would prejudice the commercial interests of the University.

To compete in the Higher Education market, with leading UK and international universities, the University must ensure that information that would be strategically useful to its competitors is not placed in the public domain. Release of such information would potentially compromise the University's ability be a well-led, managed and sustainable institution. The University's position would be severely compromised if it were to release information which would benefit its competitors.

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. The recruitment of a sufficient number and quality of students is a core commercial activity for any higher education institution and this has been recognised by the First Tier tribunal (Information Rights)². Student income is a vital component of the University's funding and recruiting a sufficient number of students is critical to the University's ability to survive and compete in this market.

The second criterion is whether the commercial activity is conducted in a competitive environment. Higher education institutions expend significant effort and resource in marketing themselves to potential students and compete with other institutions in both a national and international market for students.

The next criterion is whether the information is commercially sensitive. The requested information pertaining to UEA's unconditional offer scheme is extremely sensitive as it lays out the criteria by which we make unconditional offers to applicants, provides all of our conversion rates for students choosing us, and their propensity to convert based on predictions of A Levels, and sets out our strategy to compete effectively against other institutions in the recruitment of students.

It discloses the University's offering strategy and acceptance rates, and is used by the University as the basis for its offering and acceptance strategies for the current recruitment cycle. It gives competitors insight into UEA'S recruitment and marketing strategies, and would limit the University's ability to gain competitive advantage within this market.

An unconditional offer scheme is used by UEA to ensure that we remain competitive amongst universities who have also adopted this offer strategy. No other university, to our knowledge has published this information and it is widely regarded within the sector as being commercially sensitive³.

The next criterion is whether there will be damage to the commercial interests of UEA. Flowing directly from the commercial sensitivity of the requested information is the fact that use of such information by competitors would put UEA at a distinct disadvantage in the recruitment and conversion of applicants. The requested research, if used by other universities, would provide them with the opportunity to introduce unconditional schemes or amend their schemes, based on the identified criteria that we have tested our modelling on.

Additionally, release of the requested information would likely harm our current cycle as offer holders have not yet made decisions on whether they are choosing us, or indeed many have not yet applied to us. The information could influence the behaviour of applicants and their advisors when making decisions to consider applying to UEA.

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

The final criterion is the likelihood of such prejudice occurring. Given the commercial sensitivity of the information, and the competitive nature of this area, we are

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

²[http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i357/UCLAN_v_IC_&Colquhoun_\(EA-2009-0034\)_Decision_08-12-09_\(w\).pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i357/UCLAN_v_IC_&Colquhoun_(EA-2009-0034)_Decision_08-12-09_(w).pdf)

³<https://www.whatdotheyknow.com/request/176959/response/439450/attach/html/2/2013.10.14%20LTR%20Response.pdf.html>

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. There is no doubt that there is a legitimate public interest in knowing the amount and way in which public time and effort are spent in this respect, both to further the transparency and accountability of public authority activities.

We would counter that there is also a public interest in protecting the ability of institutions to compete on a level playing field. To disclose the requested information would prejudice this institution's competitive and commercial position, and it is difficult to see how this could be in the public interest. In addition, we do not feel that disclosure would increase access to information about the admission process to higher education sufficiently to warrant the prejudice occasioned to UEA.

On balance, we therefore believe the public interest lies 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, 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