

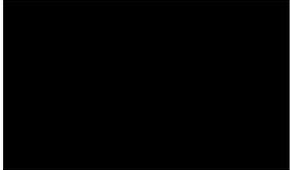


University of East Anglia

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13 March 2018

Dear

**Freedom of Information Act 2000 – Information request (ref: FOI\_18-047)**

We have now considered your request of 18 February 2018 for the following information:

*'I'm requesting information under the Freedom of Information Act 2000 regarding the open days you hosted from September 2016 to August 2017. I am looking to produce a report for universities in the UK to provide sector averages for open day registrations, open day attendees, marketing spend, application and enrolment trends and how this is different based on type of university, ranking of university and location of university.'*

As requested our response is within the attached Excel spreadsheet entitled FOI\_18-047 Appendix A.

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 exemptions to part of your request.

Exemption	Reason
s.21(1), Information reasonably accessible to applicant by other means	Data in response to question 16 can be obtained from the Guardian website
s.43(2), Prejudice to commercial interests	Disclosure of some of the requested information would be likely to prejudice the commercial interests of a person as defined by the Act

**Exemption explanation- s.21(1)**

We have established that some of the requested information is reasonably accessible by other means and so has been exempted under section 21(1) of the Act; namely the response to question 16 of your request. The section 21 exemption confirms there is no right of access under the Act to information that is held by a public authority, if that information is reasonably available to the applicant by another route (whether through commercial publication or publicly-funded provision).

We believe that s.21(1) applies to your request for UEA's 2018 Overall Guardian Ranking, which can be accessed on the Guardian website here:

<https://www.theguardian.com/education/universityguide>

*Exemption explanation- s.43(2)*

We have applied this exemption to elements within questions 7 & 8 of your request; specifically the request for the expenditure on advertising for each open day. 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, UEA must ensure that information that would be strategically useful to its competitors is not placed in the public domain. Release of the amount spent advertising our open days would potentially compromise UEA's ability to attract the high quality students that allow it to be a progressive and sustainable institution. UEA'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 applies<sup>1</sup> and we address each criterion in turn.

Student recruitment is undoubtedly a commercial activity for all universities. The University's success in recruiting students, and the manner in which we do so, directly affects both our reputation and financial position. It follows that information about how UEA markets itself to potential students can readily be seen as commercially sensitive.

The UK Higher Education sector is a highly competitive environment. Regulatory changes such as the lifting of the cap on university places in England have increased competition between institutions. Universities all seek to recruit the best students from a limited pool of prospective UK and international applicants, as well as competing to attract high quality staff, research funding and accreditation.

With regard to the information requested in questions 7 and 8, UEA, in common with other universities, undertakes various activities with the aim of promoting the institution to our target markets, at home and overseas. Our Open Days play a critical part in our overall marketing strategy, and are a vital activity that directly affects our ability to compete within the sector.

Expenditure on specific marketing activities is regarded as a key indicator of our marketing strategy. The manner in which we direct funding to create a comprehensive and engaging marketing strategy and organise our marketing activities provides us with a possible advantage compared to those competitors who undertake this activity less effectively. We do not share any details of our tactical marketing activities or funding with competitors, particularly in key areas of marketing interest such as the provision of Open Days for prospective registrants.

There is a linkage between marketing expenditure and our ability to attract the number and quality of students we desire. Awareness of an institution's course offering, academic reputation, and local setting is key to any prospective student's decision to attend and the marketing available to any such student is critical to shaping such awareness. In a crowded and competitive commercial environment, should the amount of such exposure be reduced or supplanted by another institution, our ability to recruit quality students is impaired.

Specifically in relation to the advertising expenditure directed to specific Open Days hosted by UEA, such figures reveal the relative importance we place on such events

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<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)

and an indication of its role within our overall marketing and promotion strategy. If an institution knows the expenditure of its competitors, it has an immediate and significant advantage in setting and targeting its own expenditure.

We would also consider it quite likely for such prejudice to our interests to occur given the commercial sensitivity of the requested information, the consistent treatment of it as such by not only UEA but other Higher Education institutions, and the degree to which the recruitment of the number and value of applicants is now critical to any university's success.

Our Marketing department would certainly use such information from our competitors and we therefore believe the requested figures would be very likely to be used by our competitors, if disclosed. We already have reason to believe that other institutions monitor our marketing activities and attempt to match or exceed them. It seems inconceivable that they would not use additional information in the same manner.

#### *Public Interest test*

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 funds 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 and to ensure that there is fair competition between universities for prospective students. By protecting the University's marketing information from public disclosure we are acting in line with established practices across the sector and maintaining this fair competition. Additionally, 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.

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](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

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