



University of East Anglia

Information Compliance (ITCS)

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[Redacted]

11 May 2018

Dear [Redacted]

Freedom of Information Act 2000 – Information request (ref: FOI_18-105)

We have now considered your request of 03 May 2018 for the following information:

'I would like to know the yearly salary of the pro vice chancellor/s and how much that has increased since 2012, year-to-year.'

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.40(2), Personal information	Disclosure of information would contravene one of the data protection principles

Exemption explanation

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.

We have followed the Information Commissioner's guidance¹ 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 to the data subjects, and how

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

any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

We note that none of the requested information is publicly available. The data subjects would not have had a reasonable expectation that their exact salaries would be made 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. However we can confirm that we do not have consent of the data subjects for the release of this information, and do not consider disclosure of the data to be necessary under any of the other conditions of Schedule 2 or 3 of the DPA.

However, it should be noted that our Annual Financial Statements² include the total salary paid to 'key management personnel' of the University. We should also advise that if the University were to receive a request for such salaries in bands, we would very likely be able to provide that 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

² <https://portal.uea.ac.uk/finance/financial-accounts> (Please see 'Key management personnel' section within Note 7 'Staff costs' in the section 'Notes to the financial statements' for each year)