



University of East Anglia

Information Compliance (ITCS)

The Library
University of East Anglia
Norwich Research Park
Norwich NR4 7TJ
United Kingdom

Email: foi@uea.ac.uk
Tel: +44 (0) 1603 593 523
Fax: +44 (0) 1603 591 010
Web: <http://www.uea.ac.uk>

26 July 2018

Dear [REDACTED]

Freedom of Information Act 2000 – Information request (ref: FOI_18-136)

We have now concluded our review of your request of 19 June 2018 for the following information:

'I request the University of East Anglia provide me with a full and complete copy of the signed contract(s) (all versions) between the University of East Anglia and Health Education England in respect of the provision of educational services for Trainee Clinical Psychologists employed by Cambridgeshire and Peterborough NHS Foundation Trust.'

Further to our letter of 18 July 2018, please accept our apologies for our delay in providing you with our final response, which is contained in the accompanying documents 'FOI_18-136 Appendix B_Part 1' and 'FOI_18-136 Appendix B_Part 2'. Appendix B as a whole contains the 2011 agreement, and the 2008 agreement it varies. Due to the size of the document, we have split the file in two to permit email transmission to you.

Please note that certain information within the Schedules to the 2011 document has been redacted on the basis that it is out of scope, as the information pertains to programmes other than Clinical Psychology. We have indicated where information has been redacted for this reason.

In addition, 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.40(2), Personal information	Disclosure of information would be contrary to the requirements of the General Data Protection Regulation and Data Protection Act 2018
s.43(2), Prejudice to commercial interests	Disclosure of information would be likely to prejudice the commercial interests of a person as defined by the Act

Personal data exemption – s.40(2)

The requested documentation contains a small amount of personal data, specifically the home address of one of the witnesses to the 2011 agreement and the email address of an individual within the NHS, also within the 2011 agreement. We believe that this information represents the individual's personal data, as defined by Article 4(1) of the General Data Protection Regulation (GDPR).

Disclosure of the information relating to individuals would be contrary to the requirements of Article 5(1)(a) of the GDPR; namely that information must be processed lawfully, fairly and in a transparent manner in relation to the data subject. These individuals would have no expectation that this information would be made publicly available, and we have not identified a lawful basis that would allow or require us to disclose this information.

Where information has been removed from the accompanying file in accordance with s.40(2), we have so indicated, citing this section.

Commercial Interests exemption – s.43(2)

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.

We believe that certain financial information within Schedule 8 of the 2011 agreement is potentially strategically useful information, and as such, release would be likely to prejudice the commercial interests of UEA. Specifically, this exemption relates to data about unit costs and calculation of contract price relating to the Clinical Psychology programme. This information is treated as confidential by UEA, and is not public knowledge.

This information is still current and although Schedule 9 of the Agreement states that information within Schedule 8 only retains its commercial confidentiality for 3 years, it was not anticipated at the time the Agreement was made that the figures quoted therein would still be valid after the expiration of this time. Further, UEA are now within a more commercial arrangement/environment following changes in pre-registration funding (not related to ClinPsyD) which makes these aspects of the contract more sensitive than at the time of completion.

It is clear that the provision of training in clinical psychology is a commercial activity for the University and that it takes place in a highly competitive marketplace. Release of the noted information would potentially compromise the University's ability to compete in the market for students in Clinical Psychology because our competitors could use this information to their advantage, thereby disadvantaging UEA. The costing information is unique to UEA and could be used by competitors to alter their strategies/fee agreements to UEA's disadvantage.

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

Given that the provision of training in clinical psychology is within such a competitive environment, and given the commercial sensitivity of the information, 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. There is no doubt that there is a legitimate public interest in furthering the transparency and accountability of public authority activities.

In contrast, there is also a public interest in protecting the ability of institutions to compete on a level playing field. As noted above, to disclose the requested information would be likely to 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 our provision of training in clinical psychology nor our relationship with Health Education England in the provision of this programme.

On balance, we therefore believe the public interest lies in withholding the requested information. Where information has been removed from the accompanying file in accordance with s.43(2), we have so indicated, citing this section.

We hope this information 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 Compliance Manager
University of East Anglia