



University of East Anglia

Information Compliance (ITCS)

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25 July 2019

Dear [REDACTED]

Environmental Information Regulations 2004– Information request (ref: EIR_19-200)

We have now considered your request of 10 July 2019 for the information relating to the presence of asbestos in UEA buildings in the 1970s and related opinions of W.G. Sebald.

Our response is in the accompanying document, FOI_19-200 Appendix A.

On this occasion, it is not possible to provide all the requested information. The Regulations contains a number of exceptions that allow public authorities to withhold certain information from release. In line with our obligations under Regulation 14 of the EIR, we have applied the following exceptions to your request.

Exception	Reason
Regulation 12(3) and Regulation 13, Personal data	Disclosure of some of the requested information would be contrary to the requirements of the General Data Protection Regulation
Regulation 12(4)(a), Information not held	Requested information was not held at the time of the request

Exception explanation – Reg. 12(4)(a)

Regulation 12(4)(a) is cited in relation to some of the requested information as it was not held by the University at the time that the request was received.

Specifically the University does not hold any information providing a specific date of the asbestos ‘scare’. The only record we can find from the date range you specified is in the accompanying document, EIR_19-200 Appendix A.

We can also confirm that we hold no record of Dr Sebald’s personal comments or opinions pertaining to asbestos being discovered within the University.

Exception explanation – Reg. 12(3) & Reg. 13

Regulation 12(3) requires the University to not disclose personal data in response to a request made under the terms of the EIR, except in accordance with Regulation 13. Regulation 13 prohibits the University from disclosing such personal data if to do so

would be contrary to the provisions of the General Data Protection Regulations (GDPR).

We believe that information identifying and relating to those involved in the requested material represents their personal data, as defined by Article 5(1)(a) of the GDPR. We believe that public disclosure of the information relating to these 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.

While we acknowledge there is currently a public interest in the historical presence of asbestos at UEA we are not aware this interest extends to the identity of the individuals' involved, nor outweighs their rights to privacy. We have therefore concluded that public disclosure of their personal data would not be fair.

Where information has been removed from the accompanying file in accordance with Reg. 12(3), we have replaced the text with a black rectangle.

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 40 working days of the date of this letter. In line with section 5.3 of the UK Government's Freedom of Information Act Code of Practice, we are not obliged to accept internal reviews after this date.

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