



University of East Anglia

Information Compliance (ITCS)

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11 March 2019

Dear [REDACTED]

**Freedom of Information Act 2000– Information request (ref: FOI\_19-050)**

We have now considered your request of 11 February 2019 for the following information:

*'Please can I have answers to the following questions about your university:*

- 1) *How many current or former employees have signed settlement or COT3 agreements that included confidentiality or non-disclosure clauses in each of the past five years (2013- end of 2018)?*
- 2) *How much money in total has the university spent on settling employment disputes involving current or former employees by way of settlement or COT3 agreements that included confidentiality or non-disclosure clauses in each of the past five years (2013-end of 2018)?*
- 3) *Of the above, what was the highest amount paid out in an individual settlement involving current or former employees in each of the past five years (2013-end of 2018)?*

*To clarify in advance, I only wish to receive the amounts paid out in each settlement/year, and this is not a request for personal details or any material that may make the individuals identifiable.'*

Unfortunately, on this occasion it is not possible to provide any of the requested information.

Firstly, In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm that the University does not hold monitor COT3 agreements entered into with staff. The University does not track such agreements so it does not have any record of how many may have been entered into.

Secondly, we have determined that the cost of finding and assembling some of the requested information will exceed the 'appropriate limit' as defined by section 12 of the Act and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004/3244.

'The 'appropriate limit' of £450, which equates to 18 hours' work, can relate to one request in its entirety or to a series of linked requests. If the University cannot locate,

retrieve and extract some or all of the requested information within the 18 hours we are not obliged to retrieve any of the requested information.

Specifically, for the time frame requested, the University holds 107 settlement agreements, each of which may include non-disclosure clauses. The University does not hold a separate record of which of these agreements include a non-disclosure clause.

To provide a response to any part of your request would require locating each individual's file, a manual review of each settlement agreement to identify any non-disclosure clause, and to extract information on the basis of the clause and any financial compensation associated with it.

We have conducted a test of the time required to review one file and estimate that it will take approximately 30 minutes per document to source the requested data. This gives an approximate total of time 53.5 hours to review all documents which is in excess of the limit.

To assist you in formulating a request which we can respond to, we could provide information on the number of settlement agreements containing non-disclosure clauses and the associated costs for a shorter time. Given the number of agreements in each year we could provide, within the appropriate limit, data for 2018 plus one other year, except 2014, up to a maximum of 36 cases in total.

As an alternative we would be able to provide simply the number of settlement agreements signed within the specified time period, without any indication of whether or not the agreement contained non-disclosure clauses and without the associated costs.

We are sorry we cannot provide the data you requested, but trust this letter explains our position. If you are unhappy with our response, you have the right of appeal against this decision. 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](https://ico.org.uk/Global/contact_us), or by telephone on 0303 123 1113.

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