



University of East Anglia

Information Compliance (ITCS)

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24 January 2019

Dear [REDACTED]

**Freedom of Information Act 2000 – Information request (ref: FOI\_19-002)**

We have now considered your request of 03 January 2019, amended on 08 January, for information relating to the use of animals in research at UEA in the calendar year 2018.

Our response is on page 4 of this letter, together with a copy of your request.

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.22(1), Information intended for future publication	Some of the requested information is in preparation for later publication
s.36(2)(b)(ii), Prejudice to the effective conduct of public affairs	Release of some of this information would be likely to inhibit the free and frank exchange of views for the purposes of deliberation

*Exemption explanation – s.22(1)*

We believe it is reasonable to withhold the number and species of animals used in research in the calendar year 2018 because there is an intention to publish this information on our website by the end of February 2019.

We believe that to adhere to this date of publication is sensible, in line with accepted practices, and fair to all concerned. We believe it is acceptable to manage the availability of this information by planning and controlling its publication, as the timetable of publication enables internal consideration of the information prior to its public release.

When considering the application of this exemption we are required to assess the public interest in withholding or disclosing the requested information.

There is evidently an interest in the number and nature of procedures on animals conducted by UEA in the course of its research activities. However, we would argue

that the public interest adequately served by existing publication schedule/date, and given the short time before the planned publication there is no benefit to the public interest by altering the existing schedule.

Therefore, we consider the public interest in withholding the requested information outweighs the public interest in providing the requested data at this time.

*Exemption explanation - s.36(2)(b)(ii)*

In the reasonable opinion of the Vice-Chancellor (the University's 'qualified person' under the Act), public disclosure of some of the requested information would be likely to inhibit the University's ability to freely and fully exchange views in the type of deliberation necessary to fulfil its purpose as a higher education institution. Specifically, disclosure of the requested Animal Welfare & Ethical Review Board (AWERB) minutes and correspondence would impact on one of the core objectives of the University: to produce internationally-renowned, innovative and diverse research.

We note that this request is virtually identical to three prior requests received in 2016<sup>1</sup>, 2017<sup>2</sup> and 2018<sup>3</sup>, and on each occasion we applied this exemption. However, enough time has passed since the Vice-Chancellor's original opinion was provided to lead us to reconsider and amend that position.

A disclosure of information under FOIA is effectively a public statement. It is to be expected that people may moderate or qualify statements they anticipate will be made public. Where a safe space for discussion exists, people would be expected to be more open and less guarded.

It is clear that the actions and decisions of the University will benefit from deliberations which are candid, impartial and robust. It follows that the University should protect its internal deliberations from the 'chilling effect' of public disclosure wherever appropriate.

We do not routinely publish the requested information and consider it to be an account of an internal discussion that was not intended to be made public. Public disclosure of the level of detail contained in the information may lead to a reluctance to fully discuss and deliberate such issues in this way in future.

While we recognise your request allowed for the redaction of personal data, we are also aware that even a description of the research itself may be sufficient to identify people, and the controversial nature of animal research in general may further inhibit those involved who may be concerned about negative repercussions on their own professional or private lives. We believe this 'chilling effect' may ultimately damage the quality of the Board's future deliberations.

The application of this exemption requires an examination of the public interest in disclosure as opposed to that in non-disclosure. We acknowledge there is a public interest in how and why the University administers research involving animals, and that the requested information may provide a window into this area. By providing the requested information we may enable the public to see how issues relating to the University's animal research have been discussed and resolved and will facilitate informed debate.

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<sup>1</sup> [https://portal.uea.ac.uk/documents/6207125/6884214/160506\\_Response+letter\\_FOI\\_16-093\\_Redacted.pdf/](https://portal.uea.ac.uk/documents/6207125/6884214/160506_Response+letter_FOI_16-093_Redacted.pdf/)

<sup>2</sup> [https://portal.uea.ac.uk/documents/6207125/6884214/170216\\_Response+letter\\_FOI\\_17-028\\_Redacted.pdf/](https://portal.uea.ac.uk/documents/6207125/6884214/170216_Response+letter_FOI_17-028_Redacted.pdf/)

<sup>3</sup> [https://portal.uea.ac.uk/documents/6207125/6884214/180130\\_Response+letter\\_FOI\\_18-020\\_Redacted.pdf/](https://portal.uea.ac.uk/documents/6207125/6884214/180130_Response+letter_FOI_18-020_Redacted.pdf/)

However it is also clear that, in order to fulfil its primary purpose as an internal forum for facilitating responsible governance of this area of research, the AWERB will at times include discussion of sensitive issues, and it is important the attendees feel free to resolve these in a free and frank manner. We do not think publication of these minutes or correspondence would substantially further such debate, nor help draw attention to issues of concern.

We are confident that the regulations surrounding animal research are such that our activities are already closely scrutinised and monitored by Home Office inspectors and veterinary surgeons as well as through internal processes.

Further, we now publish<sup>4</sup> significant details regarding the research involving animals at UEA. We are a signatory to the Concordat on Openness in Animal Research<sup>5</sup> which binds us to the transparency commitments of the Concordat and thus affords a significant amount of openness to our activities.

We do not feel that any positive impact of release of the exempted information will outweigh the negative impacts, and therefore believe the balance of public interest lies in withholding the requested information.

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 Freedom of Information 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 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

David Palmer  
Information Compliance Manager  
University of East Anglia

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<sup>4</sup> <https://www.uea.ac.uk/research/about-uea-research/our-research-integrity/concordat/>

<sup>5</sup> <http://concordatopenness.org.uk/>

## Response to Freedom of Information Act 2000 request (FOI\_19-002)

*To whom it may concern,*

*I write in accordance with the Freedom of Information Act 2000 ("The Act") to request the disclosure of data held which concerns the use of animals in research University of East Anglia (UEA) ("The Public Authority").*

*For the avoidance of doubt the term 'animal research' is defined as regulated procedures governed by the Animal (Scientific Procedures) Act 1986 ("ASPA") and EU Directive 2010/63/EU ("The EU Directive").*

*The information I wish to request is as follows:*

*1. By species: How many animals were used in research by "The Public Authority" from January 1st 2018 to December 31st 2018?*

### **[Information exempted pursuant to s.22(1), Freedom of Information Act]**

The requested information is exempted from release at this time for the reasons noted in the above letter.

*2. Minutes, reports and correspondence of any Animal Welfare & Ethical Review Board ("AWERB"), formerly known as the Ethical Review Committee ("ERC"), or sub-committee at University level, including but not limited to departmental committees, from 2016, where these relate to experimentation or other work involving captive live animals, in addition to any guidance issued by these committees at any time if currently in use. For the avoidance of doubt the term 'committee' is used in broad definition and is inclusive of boards, groups or similarly natured structural enterprises.*

*[In line with previous clarification, we have interpreted this question to include any attached project licence applications. Amended on 08 January to limit date range to 2018 only.]*

### **[Information exempted pursuant to s.36(2)(b)(ii), Freedom of Information Act]**

The minutes and correspondence relating to those meetings are exempted from release for the reasons noted in the above letter.

There is no additional guidance issued specifically by the AWERB regarding experimentation on, or any other work involving live animals. However, the UEA Research Ethics Policy<sup>6</sup> does provide guidance for staff in this area.

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<sup>6</sup><https://www.uea.ac.uk/documents/251484/3124686/UREC%2BPolicy%2BJan%2B2012.pdf>