



University of East Anglia

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Dear

Freedom of Information Act 2000 – Information request (ref: FOI_19-072)

We have now considered your request of 05 March 2019 for information relating to students staying in private purpose-built student accommodation.

Our response is on page 4 of this letter, together with a copy of your request and in the accompanying document, FOI_19-072 Appendix A.

On this occasion it is not possible to provide all the requested information. 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 information relevant to your question (a). Further information is on page 4 of this letter.

Further, 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 some of the requested information would be contrary to the requirements of the General Data Protection Regulation
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

Exemption explanation – s.40(2)

In line with s.40(2) of the Act we have removed certain personal data from the document FOI_19-072 Appendix A.

We believe that information identifying the signatories to the various agreements and one individual noted in the Terms and Conditions document constitutes their personal data, as defined by Article 4(1) of the General Data Protection Regulation (GDPR).

We believe that disclosure of the personal 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. 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 due to this exemption, we have replaced the text with a black rectangle.

Exemption explanation – s.43(2)

We have applied this exemption to the figures for the deposit and rent levied by GSJ Investments LLP and Trizone Limited, and the tenancy term as stated in the tenancy agreements between GSJ Investments LLP, Trizone Limited, and UEA. It is our belief that release of this information would prejudice the commercial interests of the University.

To compete in the Higher Education market, with leading UK and international universities, the University must ensure that information that would be disadvantage its position is not placed in the public domain. Release of such information would potentially compromise the University's ability to negotiate best value deals in relation to the provision of accommodation to our students.

UEA seeks to provide an attractive range of accommodation options to current and prospective students. However, the viable options available to the University are limited. The provision of off-campus accommodation to students is therefore a commercial activity that takes place in a competitive environment, in which other prospective tenants are seeking accommodation in the same market.

Information relating to the cost and length of tenancy provided by PBSA providers is not in the public domain, and constitutes a point of competitive differentiation between different providers. Rent payments and tenancy terms are negotiated between the University and provider, and are unique to each relationship.

Were this information to be released by UEA, other providers in the market would have a benchmark that would likely place them at an advantage in negotiating any similar agreement with the University.

As UEA is continuing to seek out and obtain such accommodation, it is likely that any providers in the local market would have an interest in this information and would use it to their advantage.

Further, release of this information would likely result in other firms being less willing to engage with UEA for fear of having similar information placed in the public domain.

Application of this exemption requires an examination of the public interest in disclosure as opposed to that in non-disclosure.

The factors in favour of disclosure would include:

- Increasing public understanding of the cost of privately furnished accommodation contracted by UEA
- Enhancing the transparency and openness of the accommodation process
- Increasing public confidence in the integrity and probity of the accommodation process

Factors in favour of withholding the information are largely laid out in the explanation for the use of the exemption above but would include:

- Ensuring there is fair competition for public sector contracts

- Protecting the ability of public authorities, in this case UEA itself, to compete on a level playing field
- Preventing a distortion of the contracting process that would have the potential effect of raising costs to the public sector and/or reducing the quality of services procured

After consideration of the above factors, we believe, on balance, that the public interest lies in maintaining in the exemption.

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

Response to Freedom of Information Act 2000 request (FOI_19-072)

a) The number of students housed in private provided purpose built student accommodation (PBSA), provided by providers like Unite, IQ Student Accommodation and Liberty Living, for each of the last 8 academic years. This should be broken down by year, such that the figure for each year (e.g. 2012 = x number, 2013 = y number etc)

[Information not held - s.1(1)(a), Freedom of Information Act]

The University does not hold information on the total number of students housed in this type of accommodation. We would only hold information on the number of UEA students housed in such accommodation.

b) The number of bed rented under 'nomination agreements' (where the university enters into a contract with a private PBSA provided to guarantee a room will be filled by one of its students at a given rent), for any and all academic years that are available, broken down by year where possible.

Our response is in the table below. Please note that these are the only years in which UEA had entered into any nomination agreement as you describe, in which we guaranteed the occupancy of rooms.

<i>Year</i>	<i>Number of rooms</i>
2014-15	6
2015-16	11
2016-17	16
2017-18	16

c) Scanned copies of any documentation related to these 'nomination agreements'

Our response is in the accompanying document, FOI_18-072 Appendix A. This represents all the documentation we hold in relation to the agreements noted in question (b). Please note that we no longer hold any documentation relating to the agreements concluded for 2014/15.