



University of East Anglia

Information Compliance (ITCS)

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20 May 2019

Dear

Freedom of Information Act 2000 – Information request (ref: FOI_19-142)

We have now considered your request of 02 May 2019 for the following information

‘Please supply the data about me that I am entitled to under data protection law relating to: ‘a concerned member of the public emailing the university anonymously regarding my wellbeing with attached print screens of apparent bullying.’ For example,

- Any information on who sent this
- The print screens sent which contain information about me
- Why the person has sent this and chosen to remain anonymous’

This response addresses the first and third points of your request. As the second point relates to your own personal data, we have responded to this as a Subject Access Request, our reference SAR_19-026. Please see separate letter.

In relation to the first and third points, we regret that on this occasion it is not possible to provide the requested information.

In line with section 17 of the Act, this letter acts as a Refusal Notice. The Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to your request.

Exemption	Reason
s.40(2), Personal information	Disclosure of the requested information would be contrary to the requirements of the General Data Protection Regulation

When a request is made under FOIA for information that includes personal data we are required to consider whether disclosing those data would breach the data protection principles contained within Article 5(1) of the General Data Protection Regulation (GDPR).

In considering a disclosure under FOIA, the University must also take into account that any information released under the Act will be placed in the public domain, through our own disclosure log or by other means.

We believe that disclosure of the requested information 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.

We have followed the Information Commissioner's guidance¹ in assessing whether it is fair to disclose this information under FOIA. This involves considering the nature of the information, the expectations of and potential harm (of disclosure) to the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

We note that none of the requested information is publicly available. The data subjects would not have had a reasonable expectation that this information would be made public, either now or at the time the email was sent to the University. Additionally, we have not identified a lawful basis that would allow or require us to disclose this information. We have therefore concluded that disclosure of this information would be in contravention of the GDPR.

We are sorry we cannot provide the information 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, 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

Paul Cutting
Information Compliance Specialist
University of East Anglia

¹ <https://ico.org.uk/media/for-organisations/documents/1213/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf>