



University of East Anglia

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21 December 2018

Dear [REDACTED]

Freedom of Information Act 2000 – Information request (ref: FOI_18-276)

We have now considered your request of 23 November 2018 for information relating to several projects funded by the Arts and Humanities Research Council (AHRC). For reference we have provided a copy of your request (as summarised by ourselves) on page 5 of this letter.

Our response is within the accompanying documents:

- FOI_18-276 Appendix A_YCMH1 Pre-Application emails
- FOI_18-276 Appendix B_YCMH1 Finance
- FOI_18-276 Appendix C_YCMH1 Live Project Correspondence
- FOI_18-276 Appendix D_YCMH1 Final application - award
- FOI_18-276 Appendix E_YCMH1 Award working papers
- FOI_18-276 Appendix F_YCMH1 Application working papers
- FOI_18-276 Appendix G_YCMH1 Miscellaneous

Due to the volume of the information within scope of your request, we have split the information to be released into several files. These correspond to the organisation of the material within the University’s filing systems.

To confirm, we only hold information relating to one part of your request, namely the ‘You Can’t Move History’ project and film, 2013-present - also referred to as ‘YCMH1’.

On this occasion, it is not possible to provide all the information we hold. 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(1), Personal information of the requester	Information which is the personal data of the requester is exempt from disclosure under FOIA

s.40(2), Personal information of 3 rd parties	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(1)

The requested information includes the personal data of several people. If the requested information includes the personal data of the individual making the request, it is automatically exempt under s.40(1) of FOIA. Any such request will instead be handled as a 'Subject Access Request' under the terms of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

We have responded separately to the parts of your request that relate to your own personal data, and have indicated within the accompanying documents where information has been removed in line with s.40(1).

Exemption explanation –s.40(2)

In addition to your own personal data, the information we hold that is relevant to your request also contains the personal data of others. Specifically, we believe that information identifying staff members of the various institutions comprise 'personal data', as defined by Article 4(1) of the General Data Protection Regulation (GDPR).

When a request is made under FOIA for information that includes personal data of other individuals we are required to consider whether disclosing those data would breach the data protection principles contained within Article 5(1) of the GDPR; namely that information must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

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 information relating to individuals would be contrary to the requirements of Article 5(1)(a) of the GDPR. 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. We have therefore concluded that disclosure of this information would be in contravention of the GDPR.

Where information has been removed from the accompanying file in accordance with s.40(2), we have replaced the text with a black rectangle.

Exemption explanation –s.43(2)

The s.43(2) exemption applies to certain parts of the requested information, particularly that setting out details of the project methodology and approaches found in the schedules to the Collaborative Agreement between the parties to the YCMH1 project and in some correspondence.

It is our belief, supported by direct evidence provided by the University of Glasgow and the University of Newcastle, that release of this information would be likely to prejudice the commercial interests of both institutions. We would also maintain that release of this information would be likely to prejudice the commercial interests of UEA.

The pursuit of research funding, either individually or on a collaborative basis, is undoubtedly a commercial activity for the Higher Education sector. This is a very competitive environment with many institutions competing for a limited amount of funding from national and international bodies.

It is our belief that certain information relating to the research is commercially sensitive. Specifically, information pertaining to the costing elements of the project, the methodologies that would be used, the pathways to impact, the structure of the project and any detailed discussions with other project partners on the work they were planning or doing.

This information, if released, would be likely to reveal information about the innovative ideas and methodologies that formed the basis of this project. In this competitive environment, such information is crucially important and would be valuable to competitors. It is our understanding that, although this particular project has finished, there may be further submissions for funding for similar projects where this information would be central to any proposal for funding.

The damage to the commercial interests of Glasgow, Newcastle and this University lies in the ability of other institutions to use this information in formulating their own bids for funding. Use of such information by competitors would lessen any advantage Glasgow, Newcastle and UEA would have in bidding for funding of future related research.

We have consulted with both Glasgow and Newcastle and have been informed by them that they feel that the release of the exempted information would detrimentally impact their competitiveness in securing both future funding and other institutional and individual partners.

One additional factor in relation to UEA is that were we to release this information contrary to the explicit wishes of our former partners in this research, it would act as a significant disincentive for those institutions to partner with us in future. Given that the submission of a proposal for funding for future related research is under consideration, this only enhances the potential negative impact of release upon the interests of the University.

Given that the funding of such research is subject to tender and in light of the commercial sensitivity of the information and the competitive nature of this area, we believe there is a strong possibility that this information would be used in a manner prejudicial to the interests of Glasgow, Newcastle and UEA.

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 the funding of research conducted by Higher Education institutions, and that the release of the requested information may provide a 'window' into this area. By providing the requested information we may increase understanding about the amount and way in which the University's time and effort are spent in this respect, to further the transparency and accountability of public authority activities.

However, there is also a clear public interest in ensuring there is fair competition for public sector funding and in protecting the ability of institutions to compete on a level playing field. We are also aware that summary information about this project is already made available by the funding body.¹ On balance, we believe the public interest lies in protecting from disclosure information that could be commercially

¹ <https://gtr.ukri.org/project/FFC2B11E-5E53-40A6-B225-D16CB38BE478>

damaging to the institutions involved, and therefore in maintaining the exemption in this case.

Where information has been removed from the accompanying file in accordance with s.43(2), we have replaced the text with a notation citing the exemption.

We hope this response 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. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

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

Freedom of Information Act 2000 request (FOI_18-276)

- *Email correspondence and written letters*
- *Meeting minutes and notes*
- *Grant and funding applications and bids*
- *Funds, budgets and expenditure*

For the period 1 November 2013 to 26 November 2018, that pertain to:

- *'You Can't Move History' project and film, 2013-present - also referred to as 'YCMH1'*
- *'You Can Make History' project and film, 2016-present - also referred to as 'YCMH2'*
- *'Southbank Undercroft Transformation Project' (or any other term) relating to the proposed restoration of the Southbank Centre 'Undercroft' under the Southbank Centre Queen Elizabeth Hall, London SE1 8XX, 2015-present, inclusive of information from the following programmes:*
 - *Arts and Humanities Research Council / 'Care For the Future'*
 - *Arts and Humanities Research Council / 'Follow-on Funding for Impact and Engagement Scheme'*

Submitted to or by:

- *The University of East Anglia,*
- *Arts and Humanities Research Council,*
- *Heritage Lottery Fund,*
- *Long Live Southbank Limited,*
- *Southbank Centre Limited,*
- *University of Sussex,*
- *Glasgow University,*
- *Newcastle University.*