

[REDACTED]

17 September 2014

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST
(Our ref: FOI_14-177)

Thank you for your request of 05 September 2014 for a letter dated 07 April 2014 from an employee of a contractor to the University of East Anglia, and your subsequent request of 10 September 2014 for the University's response, contained in a letter dated 08 May 2014.

We have now considered your requests and 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 exemptions to your request.

Exemption	Reason
s.40(1), Personal information	Information requested is the personal data of the requester
s.40(2), Personal information	Disclosure of information would contravene one of the data protection principles

In regards s.40(1), much of the information within the requested letter of 07 April 2014 is actually information that identifies and relates to you and therefore is your personal data as defined by the Data Protection Act 1998 (DPA). As such, you are legally entitled to request a copy of it under the provisions of the DPA and we would invite and encourage you to do so by way of our online form located [here](#).¹ Please note that we will require a statutory fee of £10 and appropriate proof of identification to process such a request.

In regards s.40(2), we believe that both letters contain the personal data of the writer and personal data relating to several other individuals. When a request is made under the Freedom of Information Act (FOIA) for information that includes personal data we are required to consider whether disclosing those data to the general public would breach the data protection principles contained within the Data Protection Act 1998 (DPA).

¹ <http://www.uea.ac.uk/is/strategies/infregs/dp/requests>

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 breach the first data protection principle under the DPA; namely that information must be fairly and lawfully processed, and that the processing also meets one of the conditions set out in Schedule 2 of that Act.

We have followed the Information Commissioner's guidance² 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 do not believe that there would be an expectation on the part of the writer or persons mentioned that these letters would be disclosed, nor do we do think there is a legitimate interest in disclosing this information to the public. We have therefore concluded that disclosure of this information would not be fair.

The Information Commissioner's guidance (see footnote 1) notes that if a public authority has determined disclosure would not be fair then it must not release the information under FOIA. In such circumstances there is no need to consider the conditions in Schedule 2 of the DPA.

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 our decision within 60 calendar 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 at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Website: <http://www.ico.org.uk/>

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

David Palmer
Information Policy and Compliance Manager
University of East Anglia

²http://ico.org.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf