

[REDACTED]

10 October 2014

Dear [REDACTED]

Freedom of Information Act 2000 – Information request (ref: FOI_14-182)

We have now considered your request of 12 September 2014 for information about the number of UEA employees who received remuneration of more than £100,000 in 2013-14.

Our response to your request is on page 4 of this letter and in the accompanying document entitled Appendix A_Data file.xlsx. We hope this will meet your requirements.

However, some of the requested information is exempt from disclosure. Therefore, in accordance with section 17 of the Freedom of Information Act 2000 (FOIA) this letter acts as a partial Refusal Notice. The exemption is as stated below and we have indicated in the attached document where this exemption applies:

Exemption:	Reason:
s.22(1), Information intended for future publication	The remuneration of the Vice-Chancellor for 2013/14 will be published in our Annual Financial Statements in December 2014
s.40(2), Personal information	Disclosure of information would contravene one of the data protection principles
s.43(2), Prejudice to commercial interests	Disclosure of information would, or would be likely, to prejudice the commercial interests of a person as defined by the Act

With regard to the application of s.22(1) to the 2013/14 data, we believe that it is reasonable, in all circumstances, to withhold information relating to the remuneration of the Vice-Chancellor for 2013-14 pending our publication of this data within our annual financial statement in December 2014.

Application of the s.22(1) exemption requires us to consider the public interest in withholding or disclosing this information. We acknowledge there is a public interest in knowing the remuneration of senior University personnel where such remuneration is publicly funded, and that this interest will not be immediately satisfied. However, we believe that the intention of the University to publish this information in its usual fashion within the Financial Statement will allow the release of a verified amount

accompanied by any necessary contextual information. We believe there is a stronger public interest in providing interested parties with the complete and final information relating to the remuneration of the Vice-Chancellor.

In regards the application of the section 40(2) exemption, we believe some of the requested data meets the definition of 'personal information' as defined by section 1(1) of the UK Data Protection Act 1998 (DPA). Specifically, we believe that the names, job titles, exact salaries of staff and their expenses in combination qualify as personal data as defined by the DPA. We have indicated in the accompanying file where data has been exempted.

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 the DPA. 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 and that the statutory test is whether release to the public would contravene one of the data protection principles.

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](#)¹ of that Act.

We note that the requested information is not publicly available in combination with each other. The individuals concerned would not have had a reasonable expectation that information relating to their salaries would be made public. We do not think there is a legitimate interest in disclosing this information to the public, particularly as release of some of the information could prejudice the interests of the individual(s) concerned in regards their ability to negotiate and secure a desired salary in future. It would also be likely to cause internal friction between staff at differing pay levels, adversely affecting the efficiency of the Schools of Study within which such staff work. We have therefore concluded that disclosure of this information would not be fair.

We do not have consent for release of some of this information from some individuals and do not believe that there are any other Schedule 2 conditions present that would allow release in the face of an explicit withdrawal of consent based upon the prejudice to the individual data subjects' rights, freedoms and legitimate interests.

With regard to the s.43(2) exemption, it is our belief that release of the salaries of academic staff receiving in excess of £150,000 in remuneration in combination with post titles and/or names of such staff would prejudice the commercial interests of this University. Further, based on our assessment of the prejudice likely to ensue, we believe that releasing the names and post titles of academic staff earning in excess of £150,000 would, or would be likely to, prejudice the commercial interests of this University.

The requested information relates directly to a commercial activity: the hiring of academic staff to undertake research and teaching duties at this institution. UEA operates in a highly competitive international market for academic expertise. Prestigious and noted academics are sought by universities to increase not only the profile and reputation of an institution, but also to attract research funding, elevate research standing (and thereby government funding) and attract other well-regarded academic staff.

¹ <http://www.legislation.gov.uk/ukpga/1998/29/schedule/2>

Disclosure of salary information in combination with job title information would prejudice the interests of the University in several ways. Firstly, it would raise the cost of recruitment as other universities would know what salary to offer to lure top academic talent away thus forcing UEA's recruitment costs upwards to retain staff. Secondly, where UEA is unable to match a competing offer, prestigious staff would be lost to other institutions, reducing UEA's ability to compete for both research funding and high quality students. Finally, disclosure would prejudice salary negotiations with other academic staff who will seek higher salaries in line with what the highest-paid individuals are earning.

Application of this exemption requires us to consider the public interest in withholding or disclosing this information. We acknowledge there is a general public interest in transparency, and in ensuring the University is achieving value for money in the remuneration it offers to its staff. However this could only be measured if all academic salaries across the sector were publicly available. As such information on individually negotiated salaries is not made publicly available we believe there is no public interest in prejudicing the commercial interests of our institution in comparison with others.

I should note that a recent [First Tier Information Rights Tribunal decision](#)² has reported the view of the Information Commissioner that the release of salary data for academic staff earning in excess of £100,000 at King's College London would prejudice the commercial interests of the institution. We believe that this request is analogous to the King's College request and therefore the same reasoning applies.

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.

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 whose [contact details](#)³ can be found on their website.

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

² King's College London v The Information Commission, First Tier Tribunal Information Rights, 30 September 2014 (EA/2014/0054)
([http://www.informationtribunal.gov.uk/DBFiles/Decision/i1390/Kings%20College%20London%20EA.2014.0054%20\(30.09.14\).pdf](http://www.informationtribunal.gov.uk/DBFiles/Decision/i1390/Kings%20College%20London%20EA.2014.0054%20(30.09.14).pdf))

³ https://ico.org.uk/Global/contact_us

Response to Freedom of Information Act 2000 request (FOI_14-182)

I am writing to obtain information about the number of your employees who received remuneration of more than £100,000 in 2013-14.

Remuneration includes, but is not limited to: salary, fees, allowances, bonuses, benefits in kind, compensation for loss of office and employers' pension contributions.

Please note that whilst some of the information may be in the public domain in accounts and on your website, the information requested is not fully available from your annual reports, websites etc.

Many public sector organisations publish senior management salaries online or produce a table showing employees in remuneration bands of £5,000 in their annual accounts.

It is not possible to answer the questions below with that information alone. Employer pension contributions are excluded from these bands and there can be employees who are not senior managers who received more than £100,000.

Please make it clear if you are responding on behalf of more than one organisation.

To outline my query as clearly as possible, I am requesting:

1. The total number of employees who received remuneration equal to, or in excess of £100,000 in 2013-14.

There are sixty-four (64) employees who received remuneration equal to, or in excess of £100,000 inclusive of Employer Pension contributions.

2. For those who received remuneration in excess of £150,000:

- i. The employee's name*
- ii. The employee's job title*
- iii. The remuneration received by the employee*
- iv. An itemised list of expenses claims made by the employee. If an itemised list is not available, please provide the amount the employee claimed in expenses in 2013-14*

Some of the requested information is contained within the attached document entitled Appendix A_Data file.pdf

[Information exempted pursuant to s.40(2), Freedom of Information Act]

[Information exempted pursuant to s.43(2), Freedom of Information Act]

We are unable to provide the name, job title, and remuneration for some staff members for the reasons explained in the letter above.