

18 February 2015

Dear [REDACTED]

**Freedom of Information Act 2000 – Information Request (Our file: FOI\_15-015)**

Your request for information received on 21 January 2015 for information regarding the functions, staffing and costs associated with our 'Central Marketing and Communications/ External Relations' unit has been considered and some of the information requested is enclosed herewith.

For your convenience, I have reproduced your request on pages 5-7 of this letter and provided our response in line with each question. I trust this will be to your satisfaction.

It is, however, not possible to satisfy all elements of your request, and in accordance with section 17 of the Freedom of Information Act 2000 this letter acts as a partial Refusal Notice, and I am not obliged to supply all of the requested information. The exemptions are clearly indicated within the attached document and the reasons for exemption are as stated below:

Exemption	Reason
s.40(2), Personal information	Disclosure of information would contravene one of the data protection principles
s.43(2), Commercial interests	Disclosure of information will be likely to prejudice the commercial interests of a person as defined by the Act

*Section 40(2) exemption*

In regards the application of section 40(2), we believe that there are data within the information requested that meet the definition of 'personal information' as defined by section 1(1) of the UK Data Protection Act 1998 (hereafter 'DPA'). Specifically, we believe that the pay budget for certain functions where that function is performed by one (1) FTE qualify, in combination with other data readily accessible, as personal data as defined by the DPA.

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 FOIA 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 note the requested information relates to one person and is not publicly available. There is no consent from the individual concerned to the release of this information. Additionally, at the time that the individual concerned assumed the relevant post, there was no expectation that this information would be released. At all subsequent times both the individual concerned and the University have treated this information as confidential in nature.

#### *Section 43(2) exemption*

In regards the application of section 43(2), it is our belief that the release of specific details of the expenditure on activities within our Admissions, Recruitment and Marketing division (ARM) would, or would be likely to, prejudice the commercial interests of the University. We are also of the opinion that release of an organisational chart of ARM would also or would be likely to, prejudice the commercial interests of the University.

The Information Commissioner's Office has established a multi-criteria test for assessing whether a section 43(2) exemption applies.<sup>1</sup> The first criterion is whether the information relates to, or could impact on a commercial activity. The First Tier Tribunal (Information Rights) has also conclusively stated that universities, despite their charitable status, do engage in commercial activities. The commercial activities here are the tactical activities that the University undertakes to sell itself to, and recruit prospective students as a research, learning and teaching institution. The successful recruitment of students is very much a vital element of this commercial activity for the University and is critical to maintaining our ability to compete within the Higher Education sector.

The second criterion is whether the commercial activity is conducted in a competitive environment. Universities operate in a global marketplace competing for research funding, students and accreditation. The UK HE sector is highly competitive as universities are seeking to recruit from a limited pool of prospective UK and International students. The marketing and recruitment of students, outreach activities and maintenance of ongoing relationships with the UEA community all relate to, and are conducted within, this competitive environment.

The next criterion is whether the information is commercially sensitive. Significant resources are devoted to admissions, marketing and recruitment activities such as advertising, brand development, delivery of open days and the creation of marketing and recruitment collateral which is developed and delivered throughout an annual recruitment cycle with different activities being presented to the market at various points in the prospective students' decision making process.

Our ability to deliver a comprehensive and engaging marketing and recruitment strategy to the aforementioned limited pool of students provides us with a possible advantage compared to our competitors who undertake this activity less effectively. The resources we devote to any particular function/activity within our strategy is information neither we, nor any of our competitors, share with other higher education institutions as this would provide them with the insight to match and exceed our activities, which, in turn could jeopardise our ability to secure marketing resources, provide competitive activities and

---

<sup>1</sup>[http://www.ico.gov.uk/for\\_organisations/guidance\\_index/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/AWARENESS\\_GUIDANCE\\_5\\_V3\\_07\\_03\\_08.ashx](http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/AWARENESS_GUIDANCE_5_V3_07_03_08.ashx)

deliver unique and engaging activities at appropriate times.

The same argument also applies to the organisation of the functions of the Admissions, Recruitment and Marketing unit. It is known that universities do ask of other institutions how marketing and communication functions are organised so they can put bids in for finance to replicate number of posts. It is our belief that our integrated function does give UEA a competitive advantage and so would not want to release this information.

The commercial sensitivity of activities/functions and funding thereof lies in our assessment of the market and the organisation of, and emphasis we place, on certain activities at certain times of the year and the combination of marketing and recruitment collateral and activities we use to communicate with our audience. The appropriate organisation and allocation of resources to certain functions enables us to communicate our uniqueness to our audience and is something that many universities are looking to develop and enhance in this competitive market.

The next criterion goes to the prejudice itself; would there be damage to the University's reputation, business confidence or ability to compete? Under FOI, release to one requester can be considered as release to the world. It is our position that release of the funding for specific ARM functions would, in effect, provide our competitors with information that we consider integral to those functions. It is our ability to compete that would be prejudiced in this case as our competitors could use this information to guide their own marketing and recruitment plans and tactics. This would enable them to begin to enhance their activities the procurement of greater and/or more targeted amounts of certain types of resource and reorganisation of their admissions, marketing and recruitment functions.

We also have to determine the likelihood of prejudice being caused by release of this information. As noted above, our position is that the choice, composition and tactics employed within our marketing and recruitment activities give us an advantage in engaging with our target audiences. Release would allow our competitors to 'close the gap', target their activities to those that we undertake, and as a consequence, reduce our ability to compete within this market.

We believe that there is a plausible causal link between the disclosure of the information in question and the argued prejudice and therefore a reasonable likelihood of the prejudice occurring. We note that the third party agencies, media providers and marketing channels we use all regard this information as commercial and maintain confidentiality for each of their clients. Furthermore, we are also aware that institutions actively attempt to source some of this information from other institutions and it has always been our policy to not share, nor publicise such information.

#### *Public Interest Test*

A public interest test<sup>2</sup> must be applied to the exemption for prejudice to commercial interests. There is no doubt that there is a legitimate public interest in knowing the amount and way in which public time and effort are spent in this respect, both to further the transparency and accountability of public authority activities.

We would counter that there is also a public interest in protecting the ability of institutions to compete on a level playing field and to ensure that there is fair competition for prospective students. To disclose this information would prejudice an institution's competitive and commercial position, and it is difficult to see how this could be in the public interest. Given the importance of such activities to the recruitment of students to an institution, any distortion of the process would inhibit the ability of students to make a properly informed decision regarding their education.

---

<sup>2</sup>[http://www.ico.org.uk/for\\_organisations/guidance\\_index/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/the\\_public\\_interest\\_test.ashx](http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/the_public_interest_test.ashx)

You have the right of appeal against this decision. If you wish to appeal, please set out in writing your grounds of appeal and send to me at the address noted in the heading to this letter.

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](#)<sup>3</sup> 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

---

<sup>3</sup> [https://ico.org.uk/Global/contact\\_us](https://ico.org.uk/Global/contact_us)

**Response to Freedom of Information Act 2000 request (FOI\_15-015)**

1. *Please indicate all of the activities that sit within your Central Marketing and Communications/ External Relations department (please 'X' all that apply):*

Function	Included?
Undergraduate Student Recruitment	X
Outreach/ Widening Participation	X
Postgraduate Student Recruitment	X
Enquiry Handling/ CRM	X
Admissions	X
Conversion	
Market Research	
Advertising	X
Corporate Marketing	X
Public Events	X
Open Days	X
Conferencing	X
Graduation	
Public Relations	X
Press Office	X
Staff & Student Communications/ Internal Communications	X
Publications	X
Website	X
Social Media	X
Development	
Alumni	X
Fundraising	
Merchandise/ Memorabilia	

## 2. Staffing

Please provide information about the number of staff (Full Time and Part Time) for each area you have indicated in Table one, and the current pay budget that relates to that area. Please also include a current organisation chart.

Function	No. of Full Time Staff	No. of Part Time Staff	Pay Budget (£)	
Undergraduate Student Recruitment	8	3	<b>[Exempt - s.43(2), FOIA]</b>	
Outreach/ Widening Participation	14	3		
Postgraduate Student Recruitment	Combined with UG recruitment	Combined with UG recruitment		
Enquiry Handling/ CRM	4	2		
Admissions	28	14		
Conversion	N/A	0		
Market Research	0	0		
Advertising	6	0		
Corporate Marketing	6	0		
Public Events	1	1		
Open Days	6	0		
Conferencing	2	2		
Graduation	0	0		
Public Relations	3	0		
Press Office	6	1		
Staff & Student Communications/ Internal Communications	1	0		<b>[Exempt - s.40(2), s.43(2), FOIA]</b>
Publications	3	0		<b>[Exempt - s.43(2), FOIA]</b>
Website	5	0		
Social Media	1	0	<b>[Exempt - s.40(2), s.43(2), FOIA]</b>	
Development	0	0	<b>[Exempt - s.43(2), FOIA]</b>	
Alumni	5	0		
Fundraising	0	0		
Merchandise/ Memorabilia	0	0		

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

Release of an organisation chart of the Admissions, Recruitment and Marketing division would, or would be likely to, prejudice the commercial interests of UEA for the reasons outlined in the letter above.

3. *Non-Pay Budget*

*Please provide a monetary figure for the current non-pay budget which relates to each area you have indicated is part of your Central Marketing and Communications/ External Relations department.*

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

Release of a detailed breakdown of UEA's expenditure by function would, or would be likely to, prejudice the commercial interests of UEA for the reasons outlined in the letter above.