

[REDACTED]

03 March 2014

Dear [REDACTED]

Freedom of Information Act 2000 – Information request (ref: FOI_14-023)

We have now considered your request of 03 February 2014 for information relating to certain academic courses offered by the University. As requested, our response can be found in the accompanying Excel file 'FOI_14-023_Appendix A'. We hope this will meet your requirements.

However, it is not possible to provide all the requested information. The Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to part of your request.

Exemption:	Reason:
s.40(2), Personal information	Disclosure of information would contravene one of the data protection principles

Why this exemption applies:

In considering a disclosure under FOIA, the University must 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 information about a member of staff's contract of employment represents 'personal data', as defined by section 1(1) of the Data Protection Act 1998 (DPA). Much of the information in the accompanying spreadsheet refers to a small number of individuals teaching on specific modules. Because numbers are small we feel there is a greater risk of those individuals being identified, and consequently details of their contracts being inadvertently disclosed.

We believe that disclosure of the information as requested would therefore 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 guidance in assessing whether it is fair to disclose such 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 information on individual staff members' contracts is not publicly available. The data subjects would not have had a reasonable expectation that this information would be made public at any time. We do not think there is a legitimate interest in disclosing all this information to the public. We have therefore concluded that disclosure of any information revealing individuals' contracts would not be fair. The Information Commissioner's guidance notes that if a public authority has determined disclosure would not be fair then it must not release the personal information under FOIA.

Therefore, to avoid inadvertently releasing any personal data in the accompanying data file we have replaced the module code (as requested in question 1), with a random number.

Please note that any material released over which UEA has copyright is released subject to the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information released.

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 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

Ellen Paterson
Information Policy and Compliance Manager
University of East Anglia