

Mr J Hermes
By email only



The University of
Nottingham

UNITED KINGDOM • CHINA • MALAYSIA

8th December 2014

Our Ref.: 1456

Dear Mr Hermes,

Internal Review of Freedom of Information Request

Following your email dated 3 December 2014 requesting a review of your Freedom of Information request dated 20 October 2014, I can confirm that a thorough review of your request has been carried out.

I have reviewed your response and the points you have raised and shall deal with each in turn.

"I understand from your 13 Nov 2014 response that the University reserves the right to withhold public disclosure of individual staff and their salaries, which was part (1) of this request. However, the University has not responded in full to parts (2) and (3) of this request, which do not require identification of individual staff members. Thus, I request the University respond to this original request in full:

Please identify all senior staff members making more than £150,000 in total emoluments for the year ended 31 July 2014. Since you are withholding the identity of these staff by name or title, please categorize them as one of the following, as per part (2) of this request: (a) academic staff, (b) clinical staff, or (c) administrative (non-academic) staff. Then, please provide the annual emoluments for the past five (5) years for each of the senior staff making more than £150,000 in total emoluments identified in the first part of this request, with the exception of the Vice Chancellor, since that information is already publicly accessible. As a guide, attached is an example of a completed response generated recently by the University of Cambridge answering an identical request to that which I have posed to the University."

The main focus of my review has been to ascertain whether disclosure of the information in parts (2) and (3) of your request would in fact result in the re-identification of those individuals whom it has been established will not be identified, or whether the information should have been disclosed because there was not a realistic risk of those individuals being identified.

I note the University has now provided you with the total number of senior staff members whose total emoluments for the year ended 31st July 2014 was greater than £150,000. I have also reviewed the withholding of the breakdown of their categories into (a) academic staff, (b) clinical staff, or (c) administrative (non-academic) staff. This breakdown of information was withheld because the numbers of the academic staff and non-academic staff within these bands was less than ten, and it was believed that providing exact information about these categories would greatly increase the likelihood of those individuals being identified, which would be in breach of the Data Protection Act 1998.

Under the Data Protection Act Personal data means data which relate to a living individual who can be identified –

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

Whilst the true identification of the staff are not being directly disclosed in terms of name or exact job title; the University does believe that providing the number of 'academic' staff would reveal the number of 'non-academic' staff members in this bracket, and this would greatly increase the likelihood of those individuals being re-identified.

I have also noted that the information provided by the University of Cambridge does not provide a direct comparison in this circumstance because the information disclosed by that university does not involve any figures within their categories that are also less than ten.

In making my assessment I have also taken into account the code of practice published by the Information Commissioner, Anonymisation: managing data protection risk. This code of practice states that if it is not possible to reduce the risk of identification to an acceptable level, do not publish unless the processing complies with the DPA and other relevant law. I have assessed whether the information would pose an unacceptable level of risk of identification should it be disclosed and have concluded that it would.

However, by providing the data with a greater level of anonymisation it no longer allows individuals to be identified.

Where the ability to identify an individual depends partly on the data held and partly on other information (not necessarily data), the data held will still be "personal data". I have therefore concluded that the withholding of this information under section 40(2) personal information has been correctly applied and I have no cause to overturn the response of the Governance Team.

This review completes the internal process of carrying out your Freedom of Information request. If you are unhappy with the review's findings, you may approach the ICO who can investigate how the request was dealt with and the validity of the response.

Information Commissioner's Office

www.ico.org.uk

Tel: 0303 123 1113

Yours sincerely,

A handwritten signature in black ink, reading "S. Dudderidge". The signature is written in a cursive style with a large, stylized 'S' and 'D'.

Stephen Dudderidge

**Director of Student Operations & Support
University of Nottingham**

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