



Llywodraeth Cymru
Welsh Government

Date 21/01/16

Eich cyf/Your ref
Ein cyf/Our ref 10025

Dear ,

ATISN Glyndwr University 10025

Thank you for your request which I received on **27th November 2015**. You asked for:

- **1. All correspondence between the Welsh Government's Department for Education and HEFCW relating to Glyndwr University sent during the last academic year, September 2014- August 2015;**
- **2. All correspondence between the Welsh Government's Department for Education and Glyndwr University sent during the last academic year, September 2014- August 2015;**
- **3. All correspondence between the Welsh Government's Department for Education and Professor Ellen Hazelkorn sent during the last academic year, September 2014- August 2015.**

A copy of the information I have decided to release is enclosed.

I have decided that some of the information is exempt from disclosure under section 43(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex 1 to this letter.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email:

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Annex 1

We took the view that the Section 43(2) exemption applied where the material contained sensitive information and where the disclosure would likely significantly risk harming Glyndŵr University's commercial interests. This included correspondence relating to the financial position, financial forecasts or future expenditure plans of the University.

Whilst universities may not be considered as commercial businesses in the traditional sense, the competition between educational establishments for students, both domestic and international, and finance, e.g. research grants, collaborations with industry, etc. makes for a very challenging arena. Damage to an institutions ability to engage fairly in this market could have serious short, and long, term implications to the future of the establishment's ability to meet the terms of their charter.

We took the view that this could justifiably be regarded as commercially sensitive information that other competitor higher education providers would find of value and which, if disclosed, would cause substantial prejudice to the institution's planned activities, and consequently harm the students' interests in the longer term.

The information which is redacted specifically related to the University's sensitive commercial interests and disclosure would have affected the University's ability to participate competitively in commercial activity and be effective in its negotiations, recruitment and enrolment.

We believe that disclosure of this information to the public at large, and at this current time, could impede current and future discussions, and the viability of current proposals for Glyndwr University. Disclosure would therefore be harmful to the commercial position and other resources of the University at present.

Any significant reduction in the ability of the university to raise its own funds could lead to demands for more public money to ensure the University's meets its education provision in the future. With a shrinking public budget, such funds are less likely to be found, putting the future of the university at risk.

This exemption is a qualified exemption. That is, it is not sufficient for the exemption to be engaged for that exemption to properly apply. Rather, we need to consider whether the wider public interest lies in favour of disclosure

despite any harm that would arise from disclosure, or whether the wider public interest lies in favour of maintaining the exemption.

There is always an inherent public interest in the expenditure of public money.

In addition current and prospective students have an inherent interest in knowing whether an institute is capable of fulfilling the teaching requirements of students or not.

We do not believe that disclosure would, however, be in the greater public interest. It would not be in the wider public interest to disclose information that could affect the university's ability to recruit new students and funding. Accordingly, we considered that the significant risk of disclosing this information would be likely to have a material negative impact on the University, its resources and costs, which cannot be justified in the circumstances, is disproportionate to the legitimate public interest in any details being disclosed, and not in the wider public interest.

As a result, the content of a number of the emails which fall within the scope of the request are being withheld to protect the commercial interests of the university, and we believe that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at present.