

JJ Hermes  
jamesjhermes@gmail.com

11 December 2014

Our Ref: FOI 2014/285 – F0444013

Dear Mr Hermes,

**Re: Freedom of Information (Scotland) Act 2002 – Request for Information**

Thank you for your email which was received by the University on 9 December 2014 timed 15:17 hours, requesting the following information:

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**I would ask for one additional point of clarification in your response:**

**Could you please replace the numbers in your response for each member of staff with their classification (a) academic staff, (b) clinical staff (academics with clinical responsibilities), or (c) senior management and/or non-teaching staff. Additionally, please identify by name and title all members of the University's senior administrative staff (e.g., pro-vice-chancellors, chief financial officer, chief operating officer, directors of institutes, etc.) in the response.**

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**University's Response**

**Could you please replace the numbers in your response for each member of staff with their classification (a) academic staff, (b) clinical staff (academics with clinical responsibilities), or (c) senior management and/or non-teaching staff.**

It is the University's standard practice to only release salary information relating to those members of staff who are also members of the University's Senior Management Group (SMG). Further, when releasing details of senior staff salaries the University's practice is to disclose in bandings of £10,000 only. This practice is consistent with the information published in the University's Financial Statement and is also common practice within the Higher Education sector. This practice is in place to avoid disclosing personal data for identifiable members of University staff.

In our response of 4 December 2014, we provided you with the exact salary details as requested in question 3 of your original request. This was contrary to our above stated practice, however it was determined that the salary information could be released as no other personal data was included in the response, and the possibility of identifying individual staff members was nil.

**DATA PROTECTION AND FREEDOM OF INFORMATION OFFICE**

Main Building, University of Glasgow, Glasgow G12 8QQ  
Data Protection: Telephone: 0141-330-3111 E-Mail: [dp@gla.ac.uk](mailto:dp@gla.ac.uk)  
Freedom of Information: Telephone: 0141-330-2523 E-Mail: [foi@gla.ac.uk](mailto:foi@gla.ac.uk)  
The University of Glasgow, charity number SC004401

Release of the job classifications associated with the specific salary details (already released) could lead to identification of individual staff members, and so this additional information is considered as personal data as defined in the Data Protection Act 1998. The release of the information would be in breach of the data protection principles, in particular:

- 1<sup>st</sup> Principle [Fair and Lawful processing];
- 2<sup>nd</sup> Principle [Reason for Processing];
- 6<sup>th</sup> Principle [Data Subject Rights], and
- 8<sup>th</sup> Principle [Transfer of personal data]

as defined in the Data Protection Act 1998. Therefore the exemption from release of the information applies as specified under sections 38(1)(b) and 38(2) of the Freedom of Information (Scotland) Act 2002. This exemption is an absolute exemption under the Freedom of Information (Scotland) Act 2002.

**Additionally, please identify by name and title all members of the University's senior administrative staff (e.g., pro-vice-chancellors, chief financial officer, chief operating officer, directors of institutes, etc.) in the response.**

In our response of 17 November 2014, we provided you with the names and job titles of the Senior Management Group members who earned over £150,000 in 2013-14. As stated in that response, these are the only staff members that we will identify in relation to their remuneration, as these individuals are considered to occupy a senior role within the institution and have high levels of accountability and personal responsibility. It is recognised that major policy decisions are also likely to be undertaken by this group, hence the disclosure of their salary information. Please note that the University's Senior Management Group is our closest equivalent to the Professional Services Staff or senior management team described in your request.

No other staff members will be identified in conjunction with their salaries, as the University takes the view that disclosure of such personal data would breach the following Data Protection Principles of the DPA:

*Data Protection Principle 1:*

*Personal data shall be processed fairly and lawfully.*

The release of the salary information on an individual basis, will undermine the expectation of the individual that his/her personal data would not be released. In particular, the University notes the decision of the Information Commissioner in the decision relating to *The University of Cambridge (30 July 2007)*, in which the Information Commissioner states that a key factor to consider is whether there would be an expectation of disclosure.

*Data Protection Principle 6:*

*Personal data shall be processed in accordance with the rights of data subjects.*

The release of personal data would not be in accordance with that individual's rights to privacy. If the data were disclosed, it would constitute processing for an unspecified purpose.

*Data Protection Principle 7:*

*Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data.*

The release of personal data may breach the requirement to keep such personal data secure.

*Data Protection Principle 8:*

*Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects.*

The release of personal data may result in a real risk of his/her personal data being displayed on the internet and thus viewable outside the EEA.

Pursuant to Sections 38(1)(b) and 38(2)(a)(i) of FOISA there is an absolute exemption if the disclosure would breach any of the Data Protection Principles of the DPA. For the purpose of this exemption alone, the University is not obliged to consider the public interest.

The supply of documents under the terms of the Freedom of Information (Scotland) Act 2002 does not give the applicant or whoever receives the information any right to re-use it in such a way that might infringe the Copyright, Designs and Patents Act 1988 (for example, by making multiple copies, publishing or otherwise distributing the information to other individuals and the public). The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order 2004 ensured that Section 50 of the Copyright, Designs and Patents Act 1988 ("CDPA") applies to the Freedom of Information (Scotland) Act 2002 ("FOISA").

Breach of copyright law is an actionable offence and the University expressly reserves its rights and remedies available to it pursuant to the CDPA and common law. Further information on copyright is available at the following website:

<http://www.ipo.gov.uk/copy.htm>

### **Your right to seek a review**

Should you be dissatisfied with the way in which the University has dealt with your request, you have the right to require us to review our actions and decisions. If you wish to request a review, please contact the University Secretary, University Court Office, Gilbert Scott Building, University of Glasgow, Glasgow, Scotland G12 8QQ or e-mail: [foi@gla.ac.uk](mailto:foi@gla.ac.uk) within 40 working days. Your request must be in a recordable format (letter, email, audio tape, etc). You will receive a full response to your request for review within 20 working days of its receipt.

If you are dissatisfied with the way in which we have handled your request for review you may ask the Scottish Information Commissioner to review our decision. You must submit your complaint in writing to the Commissioner within 6 months of receiving the response to review letter. The Commissioner may be contacted as follows:

The Scottish Information Commissioner  
Kinburn Castle

Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Telephone: 01334 464610  
Fax: 01334 464611  
Website [www.itspublicknowledge.info](http://www.itspublicknowledge.info)  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

An appeal, on a point of law, to the Court of Session may be made against a decision by the Commissioner.

For further information on the review procedure please refer to  
(<http://www.gla.ac.uk/services/dpfoioffice/policiesandprocedures/foisa-complaintsandreview/> )  
All complaints regarding requests for information will be handled in accordance with this procedure.

Yours sincerely,

Data Protection and Freedom of Information Office