

Our ref: FOI/14/234

3 March 2015

Mr James Hermes
jamesjhermes@gmail.com

Dear Mr Hermes

Freedom of Information request - Emoluments

Your email, dated 9 February 2015, requesting an internal review of the University's response to your Freedom of Information request on the above refers.

On 20 October 2014, you submitted a request for information in relation to:

1. The names and titles of all senior staff members making more than £150,000 in total emoluments for the year ended 31 July 2014. These individuals are considered "higher-paid staff" by the Higher Education Funding Council (HEFCE).
2. Please identify the number of individuals identified in the first request who are (a) tenured faculty, (b) clinical staff, or (c) serve in a non-classroom capacity, such as administrative staff.
3. The total emoluments for the past five (5) years for each of the senior staff identified in the first request.

On 17 November 2014, the University provided its response, disclosing information in relation to Part 2 of your request and referring you to details of the highest paid members of staff at the University, including the Vice-Chancellor, which are available on the website. Information, however, in relation to Parts 1 and 3 of your request was withheld on the grounds that it constituted third party personal data and, as such, was exempt under Section 40(2) of the Freedom of information Act 2000.

On 3 December 2014, you contacted the University to complain that no response had been provided in relation to Part 3 of your request. The University responded explaining that the response to Part 3 of your request was the same as that provided to you in relation to Part 1 i.e. that the requested information was being withheld under Section 40(2) of the Act.

I understand that you, subsequently, complained about the University's response to your full request and, in particular, to information not having been disclosed in relation to Parts 1 and 3. This complaint has been handled as an internal review.

You have expressed dissatisfaction with the University's response to your request because you believe that information about senior staff members and their respective total emoluments should be disclosed.



I have now completed my review and my findings are detailed below:

I have reconsidered the nature of the requested information and the application of the exemption used to withhold this information. In doing so, I have consulted with appropriate colleagues and taken into account your comments in relation to the disclosure of senior managers' emoluments, where these exceed £150,000 in total, by other Universities.

The University has provided information in relation to its highest paid members of staff, including the Vice-Chancellor. It has also been explained that out of the 21 members of staff that received more than £150,000 in total emoluments for year ended 31 July 2014, 18 were clinical staff as opposed to members of the senior management team.

I have also noted your reference to the decision by the First-Tier Tribunal in respect of the appeal by the Information Commissioner against King's College, London (KCL).

Whilst there are some similarities between the information requested from KCL and your request, the Tribunal's decision cannot be viewed as setting a precedent for the disclosure of such information in all instances. Each Tribunal ruling is in relation to circumstances of an individual case and, in this instance, disclosure was ordered under the strict terms of the Information Tribunal order. The validity of the KCL decision has also not been tested within Northern Ireland, where recruitment of senior professional services staff may be more restrictive than elsewhere within the UK.

Furthermore, the Tribunal's decision may be the subject of a further appeal by KCL and, until such time as a final determination in law is clarified, there is no obligation on Universities to automatically disclose such personal information.

In light of the above, it is my view that the University was correct to apply the exemption outlined in the original refusal notice.

I am, therefore, upholding the original decision to withhold the requested information.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Professor Tony Gallagher
Pro-Vice-Chancellor, Academic Planning, Staffing and External Relations