

Freedom of Information Request to Teesside University

Our reference: FOI17233
Request received: 29 December 2017
Response sent: 01 February 2018

Dear Will

Further to our acknowledgement, we are now in a position to provide you with a response to your request for information dated 29 December 2017.

We have dealt with your request in accordance with your 'right to know' under section 1(1) of the Freedom of Information Act 2000 (subsequently referred to as FOIA 2000) which entitles you to information 'held' by a public authority, unless an appropriate exemption applies.

Teesside University holds some information within the scope of your request.

Request:

A list of complaints that the university has received since 1 January 2010 concerning sexual abuse, sexual assault, inappropriate behaviour of a sexual nature, and sexual discrimination.

Can you please include (if possible):

- Who the complainant is (student, member of staff, someone not part of the university, etc)
- The gender of each person complaining
- The date of each complaint
- A description of what the complaint is about
- Details on who the complaint is about (The relationship to the accuser, gender etc.)
- Details on whether the complaint is about another student, a member of staff or someone who is not part of the university
- What action was taken in response to the complaint (was there an investigation, was the complaint upheld, was someone disciplined, how were they disciplined etc.)

Response:

We cannot comply with your request to provide specific details of complaints made to the University since 1 January 2010 concerning sexual abuse, sexual assault, inappropriate behaviour of a sexual nature and sexual discrimination. S.40 (2) FOIA 2000 exempts information classified as personal data, where disclosure of the information to a member of the public would contravene any of the data protection principles.

Due to the sensitivity and the nature of the complaints, this information is being withheld so to minimise the likelihood of individual staff and students being identified. This takes into account the issue that any Freedom of Information disclosure is considered to be a disclosure to the public at large rather than to an individual requestor, and some members of the public would have additional knowledge that could enable individuals to be identified.

Putting such information in the public domain would not be considered fair to those individuals and would not be compliant with the first Data Protection principle.

Furthermore, the requested information may relate to the commission or alleged commission of any offence or any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings. This level of information is classified as sensitive personal data under s.2(g) and s.2(h) Data Protection Act 1998. The first data protection principle stipulates that personal data shall be processed fairly and lawfully and in the case of sensitive personal data shall not be processed unless one of the conditions set out in Schedule 3 of Data Protection Act 1998 are met.

By virtue of the nature and classification as sensitive personal data, it is considered that individuals would have a reasonable expectation that information of such sensitivity would not be released into the public domain.

It is considered that releasing such information into the public domain is non-compatible with the conditions set out in Schedule 3 of the Data Protection Act 1998, contrary to the rights and freedoms of relevant individuals and therefore non-compliant with the first data protection principle necessitating fair and lawful processing of personal information.

By virtue of the reasons set out above, the requested level of detail is therefore being withheld in accordance with section 40(2) Freedom of Information Act (by virtue of section 40(3)(a)(i)) which permits withholding of information where disclosure would otherwise breach the data protection principles.

By virtue of s.2(3)(f) FOIA 2000, s.40(2) FOIA 2000 confers an absolute exemption to provision of information held by a public authority and does not oblige Teesside University to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

A copy of Teesside University's Appeals and Complaints process relevant to Freedom of Information requests is attached.

Yours sincerely

Clair Flynn
Information Compliance Caseworker on behalf of Teesside University