

October, 2012



Freedom of Information Act 2000

As a supplier/tenderer/partner/customer/agency providing services to Bangor University you need to be aware of the University's obligations under the Freedom of Information Act 2000.

Under the requirements of the Act the University must provide, on request, access to recorded information held. One of the possible consequences of these statutory responsibilities is that information which the University holds about your organisation / company, or has received from you as part of a procurement or other process, may have to be disclosed in response to a request. This is unless the University decides that one of the various statutory exemptions applies.

The Act lists a number of exemptions to the duty to disclose. One of the ones most likely to be relevant in this context relates to information which is commercially sensitive. Exemptions only apply to the extent that the Act permits, for example, the Act provides that the exemption in respect of commercially sensitive information is subject to a public interest test. If, at any stage of a contracting process, you provide any information to the University in the expectation that it will be held in confidence, then you should clearly identify the relevant information and why it should be treated confidentially.

The use of blanket protective markings such as "commercial in confidence" for a whole document is unlikely to mean that all the information in the document can be exempt in any request received. The University will also not be able to accept or support a proposition that information which by its very nature cannot be regarded as confidential should be subject to any obligation of confidence.

Where a request includes third party information a copy of the request will be sent to the relevant company/third party whose data/confidential information may be involved. This will be accompanied by a request that they notify the Registrar's Office within 5 working days whether they are happy for the information to be disclosed or not. In dealing with requests for information under the Act, the University has to comply with a strict timetable of 20 working days and it would therefore expect a timely response to any such consultation. The final decision as to whether to disclose information lies with the University.

It is important to recognize that the Act places duties of disclosure on the University which are enforceable through the Information Commissioner's Office and ultimately the courts. The University, in resolving not to disclose

information will have to justify that decision and be prepared to be challenged.

I hope that in outlining the implications of the Act this will serve to promote an understanding of the implications of its provisions on the University and its suppliers. For further information on the Freedom of Information Act please contact me, for all other enquiries please continue to liaise with your usual University contact.

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