

Chrys Muirhead
chrismuirhead@gmail.com

11 July 2018

Our Ref: FOI 2018/240 – F1033515

Dear Mr Muirhead,

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

Thank you for your email which was received by the University on 15 June 2018 timed 17:10 hours, requesting the following information:

I am writing to you as Chief Investigator on the Empower Project with an FOI request about the funding. I think this was £1.5million in total? Please correct me if I'm wrong.

**I cannot see any details on the website about the funding application, breakdown of costs, salaries, expenses, monies paid to mental health service user groups, carers, family members, others linked to Empower project.
<https://empowerstudy.net/>**

I would like a copy of the funding application, a budget, income and expenditure, timescales, any other financial information which would help me understand where the money has gone, is going. I am interested in knowing if the academics involved in Empower project received monies in addition to their university salaries. If so, how much?

I am particularly interested in the remuneration awarded to mental health service users, carers, family members who were recruited for the research. How are/were they reimbursed for the time they spent doing tasks for the Empower project?

University's Response

I am writing to you as Chief Investigator on the Empower Project with an FOI request about the funding. I think this was £1.5million in total? Please correct me if I'm wrong.

No, the project has received a total of £838,170 from NIHR (National Institute for Health Research). Please see the following link:

<https://www.journalslibrary.nihr.ac.uk/programmes/hta/1315404#/>

I cannot see any details on the website about the funding application, breakdown of costs, salaries, expenses, monies paid to mental health service user groups, carers, family members, others linked to Empower project. <https://empowerstudy.net/>

I would like a copy of the funding application, a budget, income and expenditure, timescales, any other financial information which would help me understand where the money has gone, is going. I am interested in knowing if the academics involved in Empower project received monies in addition to their university salaries. If so, how much?

The individual points contained in this question will be addressed separately below.

1. **Funding application** – the funding application has been withheld under the following exemptions:
 - a. Section 38(1)(b) and 38(2) Personal Information

The funding application includes very detailed financial information including salary details for individuals employed by a range of partner organisations and the University of Glasgow. It is the University's practice to only release salary information relating to those members of staff who are also members of the University's Senior Management Group (SMG). 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. 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. The exception to this practice relates to the salary details of the Principal which are published in full.

Please be advised, the University does not consider that those academic staff, falling within the scope of the request, fulfil the necessary criteria of senior staff and this information has therefore been withheld. In this consideration, the University was mindful of the Information Commissioner's guidance on this matter http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/salaries_v1.pdf , as well as previous practice in relation to requests for staff salary information.

The above information has been withheld as the individual salary information are considered as personal data as defined in Data Protection legislation, and the release of the information would be in breach of the data protection principles.

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.

b. Section 33(1)(b) Commercial Interests and the economy

The University of Glasgow considers that the funding application requested is exempt under section 33(1)(b) of the Freedom of Information (Scotland) Act 2002 on the basis that its disclosure may substantially prejudice the commercial interests of the University of Glasgow.

Notwithstanding the result of the “harm test”, section 33 of the Freedom of Information (Scotland) Act 2002 does not provide an absolute exemption to the general entitlement to information. The University has therefore considered whether, notwithstanding the exemption, it is in the public interest to release the information.

The University has considered the public interest by applying the “public interest test”. That is, the University has balanced whether the release of the information is in the public interest against whether disclosure would substantially prejudice its own, or another person’s, commercial interests. The view of the Scottish Information Commissioner, in advice on the application of the “public interest test”, is that the public interest should not be interpreted as “of interest to the public”. That is, the potential release of the information must be in the interests of the public and not merely of an individual interest. The public interest in the disclosure of the funding application is slight. The University of Glasgow operates in a very competitive environment and the public interest is in ensuring the continuing success of the University in research. The disclosure of the level of detail of the project as outlined in the funding application could convey an advantage to competitors which could undermine this ongoing research project and the University’s future ability to seek and receive research funding. This potential to adversely affect the current project and future funding opportunities would substantially prejudice the commercial interests of the University of Glasgow.

The University therefore concludes that the “public interest test”, as required when applying section 33(1)(b) of the Freedom of Information (Scotland) Act 2002, is met as the disclosure of the information requested would prejudice substantially both the commercial interests and the negotiating position of the University in respect to seeking research funding from research funding organisations. The public interest in withholding the information is greater than the public interest in its release.

2. **Budget, income and expenditure** – these details have been withheld under the following exemption:

Section 33(1)(b) Commercial Interests and the economy

The University of Glasgow considers that the financial information requested (funding application, budget, income and expenditures) is exempt under section 33(1)(b) of the

Freedom of Information (Scotland) Act 2002 on the basis that its disclosure may substantially prejudice the commercial interests of the University of Glasgow.

Notwithstanding the result of the “harm test”, section 33 of the Freedom of Information (Scotland) Act 2002 does not provide an absolute exemption to the general entitlement to information. The University has therefore considered whether, notwithstanding the exemption, it is in the public interest to release the information.

The University has considered the public interest by applying the “public interest test”. That is, the University has balanced whether the release of the information is in the public interest against whether disclosure would substantially prejudice its own, or another person’s, commercial interests. The view of the Scottish Information Commissioner, in advice on the application of the “public interest test”, is that the public interest should not be interpreted as “of interest to the public”. That is, the potential release of the information must be in the interests of the public and not merely of an individual interest. The public interest in the disclosure of the financial information requested is slight. The University of Glasgow operates in a very competitive environment and the public interest is in ensuring the continuing success of the University in research. The disclosure of the requested information would provide competitors with information about how the project is progressing, which could be used to infer how well the research is proceeding and enable competitors to gain a competitive advantage. This would be likely to be detrimental to the public interest by potentially adversely affecting an ongoing project and inhibiting external organisations from funding research at the University. This potential for the withdrawal of research funding would substantially prejudice the commercial interests of the University of Glasgow.

The University therefore concludes that the “public interest test”, as required when applying section 33(1)(b) of the Freedom of Information (Scotland) Act 2002, is met as the disclosure of the information requested would prejudice substantially both the commercial interests and the negotiating position of the University in respect to seeking research funding from research funding organisations. The public interest in withholding the information is greater than the public interest in its release.

However, you can find details of the project and protocol at the following link:

<https://www.journalslibrary.nihr.ac.uk/programmes/hta/1315404#/>

3. Timescales

Currently, the study is funded until February 2019.

4. Any other financial information which would help me understand where the money has gone, is going.

There are a range of partner organisations in the UK and Australia. Only UK organisations are supported by the NIHR funding. These partners are listed on the web-pages at:

<https://empowerstudy.net/partners-people-2/>

I am interested in knowing if the academics involved in Empower project received monies in addition to their university salaries. If so, how much?

No payments in addition to salaries are being made.

I am particularly interested in the remuneration awarded to mental health service users, carers, family members who were recruited for the research. How are/were they reimbursed for the time they spent doing tasks for the Empower project?

Participants are reimbursed for completion of each assessment in line with ethics approval.

Details are within the Participant Information Sheet at:

<https://www.journalslibrary.nihr.ac.uk/programmes/hta/1315404#/>

Although the University of Glasgow does hold the information that you have requested, the information is exempt under section 25 of the Freedom of Information (Scotland) Act 2002, as it is otherwise accessible.

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 Deputy Secretary, University Court Office, Gilbert Scott Building, University of Glasgow, Glasgow, Scotland G12 8QQ or e-mail: 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 to the Commissioner within 6 months of receiving the response to review letter. The Commissioner's Office may be contacted as follows:

Online Appeal Service:

Website: www.itspublicknowledge.info/Appeal

By post:
The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone: 01334 464610
Fax: 01334 464611
E-mail: 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/dpfoiooffice/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