

By e-mail

Our ref: 0319

Mr. Thomas Mills
tamills@hotmail.co.uk

15 April 2009

Dear Mr. Mills,

I am writing to confirm that the University has now completed its search for the information which you requested on 06 April 2009. However, some of the information cannot be disclosed, for the reasons given below.

Professor Glee joined Brunel University on 1 October 1975 and left its employ on 31 August 2008. During his time here, he progressed from lecturer to Professor. He was also the Director of the Brunel Centre for Intelligence and Security Studies.

Professor Glee's academic qualifications include a BA (Hons) in History and German from Oxford University, a BPhil in Modern European History from St. Catherine's College, Oxford, and a DPhil from Oxford University. Prior to joining Brunel, Professor Glee was a lecturer at the University of Warwick.

I can confirm that we have an application form from Professor Glee (in lieu of a CV); however, the disclosure of the application form is exempt under section 40(2) of the Freedom of Information Act 2000. This section states that, if the information requested is the personal data of a third party, and the disclosure of that information would contravene any of the data protection principles, then the information can be withheld.

In this case, disclosure would violate the first data protection principle. This principle states:

1. *Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—*
 - (a) *at least one of the conditions in Schedule 2 is met, and*
 - (b) *in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.*

As the data contained in the application form are not sensitive personal data, it is only necessary to consider the conditions in Schedule 2 of the Data Protection Act 1998. Guidance from the Information Commissioner indicates that only two of these conditions can apply in the case of a Freedom of Information request: condition 1 (consent) or condition 6. As we are unable to obtain consent from all the people whose personal data appear in the application form, we are left with condition 6, which states:

- 6.—(1) *The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.*

In order to use this condition, we must apply three tests:

1. There must be a legitimate public interest in disclosure;
2. The disclosure must be necessary to meet that public interest;
3. The disclosure must not cause unwarranted harm to the interests of the individual.

In this case, it is not considered that there is a legitimate public interest in disclosing Professor Glees' application form.

Professor Glees has indicated that, if you wish to obtain any further information about him, you are welcome to contact him directly at the University of Buckingham.

If you are unhappy with the way the University has handled your request, or with the information you have received, you may ask for an internal review. You can do this by sending a letter to:

Secretary to Council
Brunel University
UXBRIDGE
UB8 3PH

or by sending an e-mail to foirequests@brunel.ac.uk.

If we are unable to resolve your complaint to your satisfaction, 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
SK9 5AF

If you have any questions about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Sincerely,

Mary F. Liddell
Information Access Officer