UNIVERSITY OF WINCHESTER

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Millie Sullivan (millie@ded1.co)

Monday 5 February 2024

Refusal notice to Freedom of Information (FOI) request, 08 January 2024

Dear Ms Sullivan,

1. This letter is being sent in response to your Freedom of Information (FOI) request, received by the University of Winchester on 08 January 2024.
2. This letter will explain why the University is refusing to neither confirm nor deny if we hold information relating to your request.
3. You requested the following:
   "Could you please provide me with all research projects with any connection to arms trade companies in the last five years. Connections can include sources of funding and/or collaborative research partnership on the research project.
   Please can these be broken down by financial year, and categorise them accordingly:
   - *Title and aim of research project*
   - *Players (list of companies involved in the research project)*
   - *Name of university department(s) involved (if applicable)*
   - *Source of funding for the research project (to be included the source of funding does not have to be an arms trade company)*
   - *The total amount, in pounds sterling, that the university has received in research funding for this project in the last five financial years. Details should be broken down for this project year-by-year.*
   - *Timescale of research project - start and end (exact day/month if applicable/available, otherwise by financial years)"*
4. You also provided a list of 20 companies which you identified as 'arms trade companies' but stated that the request was not limited to these.

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5. The University believes that your request for this information falls within the Section 26(3) exemption of the Freedom of Information Act on 'Defence'[1].
6. The ICO guidance on 'Defence' states: "Section 26(1)(a) provides an exemption for information if its disclosure would, or would be likely to, prejudice the defence of the British Islands or of any colony. Section 26(1)(b) provides an exemption for information if its disclosure would, or would be likely to, prejudice the capability of, effectiveness or security of any relevant forces. Section26(3) provides an exemption from the duty to confirm or deny whether information is held if doing so would, or would be likely to, prejudices any of the matters mentions in subsection 26(1).'
7. Before applying this exemption, the University considered the timing of the request, the age of the information and information which may already be in the public domain. We determined that if information of this nature was held by the University that it would fall under the Section 26(1) exemption because the information requested was specifically related to research projects connected to companies who provide proprietary technology to the British armed forces. The timescale of the request would include research material which may already have been included in technology supplied to the MoD and could be in use in current defence systems or it could include material intended for future deployment or implementation. Research material of this nature is not generally published.
8. Section 26(3) is a "qualified exemption" for an FOI and is subject to a public interest test. The University will consider both the arguments in favour of disclosing the information requested and the arguments in favour of non-disclosure.

Arguments in Favour of Disclosing the Information Requested:

9. Openness and transparency - the University notes that "Public authorities should bear in mind the strong case for openness and transparency in their affairs when balancing public interest arguments". Releasing information of this kind could contribute to a wider understanding in the public of what universities do in terms of research and business engagement.

[1] https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-26-defence/#_apply_confirm_deny

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10. Demilitarising education is an important and emotive issue and discussion of this topic should be encouraged within the public arena. Information of the kind requested could contribute to the public debate.
11. Information relating to research projects carried out by arms trade companies which may possibly be used within technology and hardware used within the British armed forces would inform the public and possibly enhance the public's confidence in the UK's defence capabilities and effectiveness.

Arguments in Favour of Maintaining the Exemption:

12. Information relating to research projects carried out by arms trade companies, including the name and aim of the project, could directly relate to measures currently deployed or intended for future deployment, within hardware and software systems used by the British armed forces. This would be likely to jeopardise the effectiveness of these systems by enabling hostile nations and other enemy combatants to gain insight into the capabilities of the British forces and possibly develop counter measures. This in turn could jeopardise the safety and security of military personnel across the globe and possibly the lives of civilians.
13. Confirming if research projects are undertaken by any university, for companies that produce equipment and systems for the armed forces, would be likely to expose those Universities to increased cyber-attacks from hostile nations who may see universities as easy targets to gain proprietary information. Universities have already been advised by the National Cyber Security Centre that they are experiencing a higher level of cyber-attacks since the UK Government imposed sanctions on Russia[2].
14. If such research contracts were in place, it is reasonable to assume that there would be confidentiality measures in place to protect the information about military projects. Releasing any information in breach of these measures would be highly likely to lay the university open to legal action from these companies. This would lead to reputational damage to the university and possibly loss of confidence in the university as a research partner. This would result in loss of revenue to the university and loss of research opportunities for university staff.

[2] https://www.ncsc.gov.uk/news/star-blizzard-continues-spear-phishing-campaigns

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The Public Interest Test

15. Paragraph 67 of the ICO's 'The Public Interest Test'[3] states that: "Public authorities must then carry out a balancing exercise to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure. If it does not, the information must be released". In the present case, after an analysis of your FOI request, as the public authority concerned, with this balancing exercise I believe that the public interest in maintaining the exemption for the request outweighs the public interest in disclosure.

Conclusion

16. The ICO's Guide to FOI states[4]: "In the refusal notice you should:
    a) explain what provision of the Act you are relying on to refuse the request and why;
    b) give details of any internal review (complaints) procedure you offer or state that you do not have one; and,
    c) explain the requester's right to complain to the ICO, including contact details for this"
17. On the first point, "explain what provision of the Act you are relying on to refuse the request and why": the University believes your request falls within section 26(3).
18. On the second point, "give details of any internal review procedure you offer or state that you do not have one": If you would like to make a request for an internal review, please email foi@winchester.ac.uk
19. On the third point, "explain the requester's right to complain to the ICO, including contact details for this": The ICO can be contacted through various channels as noted at https://ico.org.uk/make-a-complaint/ Such channels would include calling the ICO helpline on: 0303 123 1113.

Yours sincerely,

Melanie Short

Information Compliance Officer

[3] https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf, page 26
[4] https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/#10

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PRME Principles for Responsible Management Education
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