UNIVERSITY OF SUSSEX

Mr Murray Jones
By email only to ltheanine29@protonmail.com

10 November 2020

Dear Mr Jones,

Our ref: FOI-20-0237

Thank you for your correspondence of 16 October 2020, in which you requested the following information from the University of Sussex.

Request

Has the university received funding from any of the following companies since 2013: BAE Systems, Babcock International, Qinetiq, Rolls-Royce; Serco; Cobham and Raytheon UK, Airbus, DXC Technology, General Dynamics UK, Leonardo MW UK, Lockheed Martin UK?

If so, please include the following details:

a. Total funding supplied by the company
b. The titles of the projects it is associated with
c. Descriptions of the projects it is associated with

Response

Your request has been dealt with under the Freedom of Information Act 2000 ("the Act").

The University has two records of awards/funding relating to your query, however the information that you have requested in relation to these is being withheld under section 41 of the Act on the basis that it is information that has been provided in confidence. This means that the University has obtained information from/the information is related to a third party and that disclosure of it could give rise to an actionable breach of confidence.

You can find out more about the relevant section of the Act, and some guidance points which the University has considered when applying the Act in this response, in the form of a Guidance Note attached to this letter.

If you are not satisfied with this response you may request a review but this must be within 40 days of receiving this response. In the first instance please write to Alexandra Elliott, the Head of Information Management and Compliance, at the address below. Full details of our Freedom of Information internal review procedure are at: http://www.sussex.ac.uk/ogs/policies/information/foi/procedure.

If you need to contact us about your request please quote your reference number FOI-20-0237.

Yours sincerely,

Lucy Pattenden
Information Officer
Information Management and Compliance

Guidance Note

Explanation of FOIA - Section 41 – Information Provided in Confidence

You will find additional information about Section 41 of the Act provided below. An extract from the legislation, as well as some of the guidance used when applying it is included.

Section 41: Information provided in confidence

(1) Information is exempt information if—

(a) it was obtained by the public authority from any other person (including another public authority), and

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

(2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with Section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

Guidance

Section 41 of the Act provides an exemption to the right of access to information under the Act if its release would give rise to an actionable breach of confidence.

This exemption qualifies the right of access under the Act by reference to the common law action for 'breach of confidence'. According to that action, if a person who holds information is under a duty to keep that information confidential (a **'duty of confidence'**), there will be a 'breach of confidence' if that person makes an unauthorised disclosure of the information.

The concept of 'breach of confidence' has its roots in the notion that a person who agrees to keep information confidential should be obliged to respect that confidence. However, the law has now extended beyond this: the courts recognise that a duty of confidence may also arise due to the confidential nature of the information itself or the circumstances in which it was obtained.

The concept of 'breach of confidence' recognises that unauthorised disclosure of confidential information may cause substantial harm. For example, the disclosure of commercially sensitive information could result in substantial financial loss. The law protects these interests by requiring the information to be kept confidential: if information is disclosed in breach of a duty of confidence, the courts may award damages (or another remedy) to the person whose interests were protected by the duty.

The Information Commissioner has issued guidance on the section 41 exemption, which is available at https://ico.org.uk/media/for-organisations/documents/1193/confidentialinformation_v4.pdf