Dear

**Freedom of Information Response (Our Ref: K/20/222)**

Thank you for your clarified Freedom of Information (FOI) request dated 28 June 2020, reference K/20/222.

Your original request read:

“All internal emails between members of senior management regarding the initial response that your university had to the COVID-19 pandemic”

Your clarification email read:

- “I'd like the timeframe to be the first 2 weeks of March (1st of March to the 14th of March)
- By "Senior Management", I mean members of your University's Executive Group
- By "initial response" I mean the planning and subsequent implementation of plans in response to the coronavirus”

The University of Leeds holds some information relevant to your request. However, we are withholding the information under section 36(2)(b)(ii) of the Freedom of Information Act. Section 36(2)(b)(ii) sets out that information is exempt from disclosure if, in the opinion of the organisation’s Qualified Person, its release would or would be likely to inhibit the free and frank exchange of views for the purposes of deliberation. We have outlined the reason for engaging the exemption below, including an explanation of the public interest factors for and against disclosure.

The impact of Covid-19 on the UK has been unprecedented. The situation has developed and changed day-to-day, and has therefore required dynamic, frank and open discussions throughout. In early March, the trajectory of the virus was still unknown, and as such the discussions and exchanges of views held at that stage may not necessarily be reflective of the situation as we now understand it, some four months later.

Student and staff safety was, and remains, our primary and most urgent concern. However, the financial and logistical impact of any options being discussed would also need to be fully considered. It is essential that universities have secure, confidential spaces in which to discuss emerging matters and develop ideas – some of which may be considered unusual or extreme with the benefit of hindsight - and ultimately to make decisions. This is of even more importance in circumstances where the issues at hand are sensitive. Balancing the risk to individuals (which, as outlined above, was broadly unknown at during the timeframe relevant to your request), with the financial and logistical considerations is a complex, difficult and
ongoing task. To release this information would therefore be likely to discourage staff from giving their full and frank opinions and views in related or similar situations in the future, for fear of unfair public scrutiny and criticism. This ‘chilling effect’ would result in a loss of candour, which would clearly damage our ability to respond appropriately to other crises or emergency situations. To release this information at this stage would also detract from our ongoing efforts in the response to the coronavirus pandemic by diverting attention to out-of-date discussions which do not reflect the present situation.

It is therefore the opinion of Sir Alan Langlands, the Qualified Person for the University of Leeds, that disclosure would be likely to inhibit the free and frank exchange of views for the purposes of deliberation, thus engaging the exemption set out at Section 36(2)(b)(ii) of the FOI Act.

As the exemption is engaged, it is also necessary to consider whether the public interest is in favour of withholding or releasing the information.

There is an extremely strong public interest in maintaining our ability to fully consider emerging issues which affect our student and staff populations, particularly where there are health and safety concerns. There is also a very strong public interest in ensuring that the messages set out by the University are clear and consistent. To release old discussion points from very early in the pandemic at this stage would risk confusion, by diluting our coronavirus safety messaging. This would be likely to result in reduced adherence to the safety measures we have set out, which risks the health and safety of our staff and students (and in turn the wider community). This would not be in the public interest.

We have also considered the public interest factors in favour of disclosure. We recognise that the public are interested in how organisations initially responded to coronavirus. We also appreciate that there is some need to review the decisioning making process and take from it any learning which could inform similar emergency planning in the future. However, we consider that this public interest is met by the information we have already published on our dedicated coronavirus webpages. It is therefore the opinion of Sir Alan Langlands that the public interest is overwhelmingly in favour of withholding the information.

We hope this information is helpful. If you have any questions about this email, however, please do not hesitate to contact us on foi@leeds.ac.uk

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you can request an Internal Review. Requests for Internal Review should be made in writing using the following contact information:

Post: Mr D Wardle
Deputy Secretary
The University of Leeds
Leeds
LS2 9JT
Requests for Internal Review should be submitted within 40 working days of receiving the University’s response to your request. Further information about how the University manages Freedom of Information requests and about our complaints procedure is also available on our website (www.leeds.ac.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review/complaints procedure provided by the University. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards

**Chloe Wilkins**
Freedom of Information Officer

Secretariat
University of Leeds