From: Freedom of Information  
Sent: 20 August 2021 15:47  
To:  
Subject: Freedom of Information Response (Our Ref: K/21/366)

Dear

**Freedom of Information Response (Our Ref: K/21/366)**

Thank you for your clarified Freedom of Information (FOI) request dated 2 August 2021, reference K/21/366.

Your original request read:

“I'm writing to you under the Freedom of Information Act (2000) to ask that you please release any details you have, or let me know if you've been working with the companies listed below. Either partnerships, professorships, research agreements, graduate schemes, or any other such arrangement informal or formal.

Huawei
Dahua
Hikvision
Uniview
Deepglint
Tencent”

Your clarification email read:

“For clarity, I'd like information on any formal agreements, including work arrangements, fellowship schemes and advertising between the years 2017-2021, and including titles of the projects and the costs of them”

The University of Leeds holds this information.

We are party to one research agreement, and three Non-Disclosure Agreements (NDAs) which fall within the scope of your request. We do not operate any professorships, fellowship agreements or graduate schemes with the companies you have listed, nor do we have any advertising arrangements with any of them.

We are unable to provide any further information in relation to the research agreement or NDAs, as per the terms of the agreements. We are therefore withholding all further information (including the company or companies they are between) under sections 41 and 43(2) of the FOI Act.

Section 41 sets out information is from disclosure if it was obtained by the public authority from any other person (including another public authority), and, 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. In this case, the information within the NDAs was provided to
the University by the third party or parties, thus meeting the first requirement. The terms of the agreements mean that disclosure of the information would constitute an actionable breach of confidence. We are therefore satisfied that the exemption is engaged.

Section 41 is an absolute exemption and therefore not subject to the public interest test.

Section 43(2) sets out that information is exempt from disclosure if its release would or would be likely to prejudice the commercial interests of any party.

Whether or not an organisation is currently working (or has previously worked) with a University is, in itself, sensitive information. The research carried out by the University of Leeds, and indeed other universities, is by its nature, innovative, forward-thinking, and is generally undertaking with the hope of transformational in the field to which it relates. The very fact that an organisation is working in partnership with a university is therefore significant. It indicates that the organisation in question is pursuing a research aim. In some cases, this is not considered to be sensitive, and corporate partners are happy for us to share details of the project(s) in response to Freedom of Information requests. However, in some cases, such as this, even confirmation of the existence of a project can be valuable commercial information. It can alert competitor companies to the fact that the company is pursuing research aims, and provides competitor organisations with the opportunity to try and establish what the project relates to.

To disclose the names of organisations with whom the University partners would therefore provide competitor organisations with information which they would not ordinarily have access to. This, in turn, would be likely to have a reputational impact (either positive or negative) on the organisations, which may impact on their position in the marketplace. An organisation who has a current partnerships with a world-leading research university is likely to be a more attractive business partner than an organisation which does not (and vice versa). Conversely, an organisation working in partnership with a research university represents a commercial threat to organisations with no such partnerships. It is therefore reasonable for our partner organisations to require and expect control over whether this information is made public, and when.

Furthermore, the University of Leeds enters into formal, legally-binding agreements with corporate partners, with which set out each parties’ obligations and responsibilities to the other. To disregard these agreements would seriously undermine our active working relationships, jeopardising current research. We also consider it very likely that releasing information in contravention of these agreements would be likely to dissuade other organisations from working with us in future; on the basis that we could not be trusted with sensitive commercial information.

We therefore consider it likely that the release of this information in response to an FOI request, rather than in partnership with the organisation(s) as part of a controlled communications plan, would be likely to dissuade organisations from working with the University in future. This in turn would jeopardise the University’s ability to secure funding, participate in cutting-edge research and serve the needs of our students.
Section 43(2) of the FOI Act is a qualified exemption, which means that the University is required to conduct a public interest test. There is a general public interest inherent in the FOI Act which supports the disclosure of information on an open and transparent basis. We also consider there to be a general interest in understanding how the University earns and spends its money. However, we consider this interest to be met via University’s commitment to adhering to high ethical standards and the University’s values, which ensure our financial integrity.

We also consider there to be a strong and specific public interest in the University being able to work with corporate partners without undue interference or scrutiny. The University of Leeds is a world-leader in innovation and research and there is a very strong public interest in ensuring this work can continue.

As such, we are satisfied that the public interest in favour of disclosing the information is significantly outweighed by the public interest in maintaining the exemption.

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

Email: foi@leeds.ac.uk

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.

Yours sincerely

Chloe Wilkins  
Freedom of Information Officer
Secretariat
University of Leeds