

[REDACTED]

3 August 2023

Dear [REDACTED],

**Freedom of Information request: FOI2023/00566**

Thank you for your Freedom of Information request received on the 5 July in which you requested the following:

**Your request:**

*[For Application FlexNIR] provide the assessor's non-disclosed statements.*

**Our response:**

I can neither confirm nor deny whether UK Research and Innovation (UKRI) holds the information you have requested.

Section 41(1) of the Freedom of Information Act (FOIA) provides that information is exempt from disclosure if such disclosure would constitute an actionable breach of confidence. Section 41(2) provides an exclusion from the duty placed on a public authority such as UKRI to confirm or deny the existence of the information if the act of confirming or denying would itself result in an actionable breach of confidence.

We believe that is the case in regard to your request.

To explain further, Innovate UK's (IUK) guidance states that if applications are successful that their information will be published. It is therefore implied that all organisations can confidently apply to IUK and information relating to their application will be kept confidential unless they are successful.

To confirm that an application has been received, but not funded, would be an actionable breach of this confidence. To confirm that an application has not been received would make it possible to determine if an unsuccessful application is submitted in the future.

In making this decision, we have also considered the [principles behind the Freedom of Information Act](#)<sup>1</sup>, as set out by the Information Commissioner's Office (ICO). Specifically, UKRI must adhere to the principle that all requests should be considered "applicant blind", meaning that the information we disclose and the response we provide should be the same, irrespective of who is seeking the information. We must also consider that any information released under the Act would be disclosed into the general public domain.

The terms of the exemption in the FOIA mean that UKRI do not have to consider whether or not it would be in the public interest for us to reveal whether or not the information is held.

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact within the next 40 working days:

Head of Information Governance

Email: [foi@ukri.org](mailto:foi@ukri.org)

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<sup>1</sup> <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-freedom-of-information/what-is-the-foi-act/#2>

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: [www.ico.org.uk](http://www.ico.org.uk).

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,

  
Information Governance  
Information Rights Team  
UK Research and Innovation  
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