



[REDACTED]

11 July 2024

Dear [REDACTED],

Freedom of Information request: FOI2024/00441

Thank you for your Freedom of Information request received on the 17 May in which you requested the following:

Your request:

All the information you have including correspondence, notes, emails, agendas and other documentation relating to the Review of data, statistics and research on sex and gender led by Prof Alice Sullivan, made between 1 January 2023 and May 14th 2024.

Our response

I can confirm that UK Research and Innovation (UKRI) holds some information relevant to your request.

Copies of email correspondence are provided in the document 'FOI2024/00441 correspondence'. We are also providing a copy of the additional funding notification letter 'FOI2024/00441 Notification of AFS UCL'.

UKRI does not hold notes, agendas or any other documentation in scope of your request.

Some information within the correspondence, as well as the attachments detailed in the emails and which include the grant application, assessment, and ethics approval notification has been withheld under the following exemptions which are explained below:

- Section 36(2)(b)(ii) – inhibition of the free and frank exchange of views for the purposes of deliberation
- Section 41 – information provided in confidence
- Section 40(2) - personal data

Information has also been withheld where it was considered to be out of scope of your request.

Exemptions

Section 36 – Prejudice to effective conduct of public affairs

For section 36(2)(b)(ii), the opinion of UKRI's CEO, as UKRI's Qualified Person, was sought on engaging this exemption. As this is a qualified exemption, we were then required to consider the public interest both in favour of, and against, releasing the information.

Outcome of consideration of Section 36 – Prejudice to the effective conduct of public affairs

As UKRI's Qualified Person, Professor Dame Ottoline Leyser has confirmed her opinion that section 36(2)(b)(ii) of the FOIA would be engaged, as disclosure would inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation. A safe space for free and frank exchange of opinion is necessary for high quality decision making on funding policy and processes.

The Public Interest Test

As Section 36 is a qualified exemption, a test was required to determine whether the public interest in maintaining the exemption outweighs public interest in disclosure. The public interest test was conducted by a senior manager, who was not directly involved in the discussions that were the subject of your request.

Factors in favour of releasing the information:

- Disclosure of information relating to UKRI's processes would be in the public interest by promoting transparency and accountability in relation to UKRI's role and function.

Factors in favour of withholding the information:

- Disclosure would have a chilling effect on the free and frank exchange of opinions for the purposes of deliberation during the formulation of funding policy. The inhibition of UKRI's capacity to discuss issues candidly, including at speed, would have a significant negative impact on UKRI's ability to carry out its functions, including managing public money well.

Section 41 – information provided in confidence

Attachments referred to in the emails have been withheld. These comprise the grant application from UCL and peer review documents and ethics approval notification, which we consider to be exempt under section 41(1) of the FOIA, as information provided in confidence. To explain further, applicants submit their grant applications in confidence, with the understanding that applications are managed confidentially to protect detailed research plans, intellectual property, and other commercially sensitive or market information provided in the proposal. Detailed information is necessary in proposals to enable assessments and the guidance provided to applicants and peer reviewers states that applications are submitted to UKRI in confidence, and that the peer review process will be carried out with the same degree of confidence. We consider that the information has the necessary quality of confidence and was imparted under an obligation of confidence. Under these circumstances peer reviewers and applicants would expect their application and peer review documents to remain confidential. As this exemption is absolute there is no requirement to conduct a public interest test.

Section 40(2) - personal data

Information relating to names and contact details of individuals has been withheld under section 40(2) personal data of the FOI Act. Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles in Article 5(1) of the UK General Data Protection Regulation (UK GDPR) and Section 34(1) of the Data Protection Act 2018. In this case, we believe disclosure would contravene the first data protection principle, which provides that processing of personal data is lawful and fair.

Section 40(2) is an absolute exemption and UKRI is not obliged to consider whether the public interest favours disclosing the information.

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

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.

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](#)¹.

¹ <https://www.ukri.org/who-we-are/contact-us/make-a-complaint/#skipnav-target>

Yours sincerely,

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