



[REDACTED]

23 October 2023

Dear [REDACTED],

Freedom of Information request: FOI2023/00732

Thank you for your Freedom of Information request received on the 27 September in which you requested the following:

Your request:

This is a request for information under the Freedom of Information Act.

I understand that this organisation is a member/supporter of Understanding Animal Research (UAR). I also understand that in 2022, UAR partnered with Horus Security Consultancy "to launch a new service for our members, providing a weekly bulletin on animal rights activism in the UK... The weekly report covers recent animal rights activities and events, and alerts readers to forthcoming protests and campaigns. In addition to the weekly bulletin, alerts will be sent to subscribers if a protest or campaigning event is identified as happening before the next weekly report."

In light of the above, please:

- (1) Confirm if this organisation is a subscriber to this service.*
- (2) Provide copies of all weekly bulletins and reports on animal rights activism in the UK produced by Horus Security Consultancy.*
- (3) Provide copies of all alerts on protests and campaigns produced by Horus Security Consultancy.*

Also, please:

- (4) State whether the organisation has subscribed to any other service provided by Horus Security Consultancy.*
- (5) If so, please provide any bulletins or alerts that have been produced by Horus Security Consultancy e.g. alerts on demonstrations, protests and direct action.*

Our response

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

In relation to questions 1 and 4 of your request we can confirm that UKRI procures services from Horus Security Consultancy. Information on the type or exact nature of these services is exempt from disclosure under Section 38(1)(b) of the FOIA, as we consider that disclosure would, or would be likely to endanger the safety of any individual. Section 38 is a qualified exemption and UKRI is required to consider whether the public interest in maintaining the exemption outweighs the public interest in its disclosure.

Public interest in favour of disclosure

- It would further the understanding and participation in the public debate on issues concerning the services procured by public authorities.

- It would promote accountability and transparency by public authorities for decisions taken with regard to public expenditure.
- It would promote understanding of measures taken by public authorities to ensure they are aware of and understand the nature of campaigns and protests which relate to their work.

Public interest in favour of withholding the information

- The disclosure of information relating to services procured by UKRI may put at risk the safety of individuals or any organisations associated with this information therefore withholding this information is necessary to protect our employees and faculties. The information may be used to disrupt research or operations being conducted, but also to target employees or UKRI facilities by subjecting them to either physical harm or verbal harassment.
- UKRI has an obligation to protect information that may endanger the safety of suppliers and ensure there is no harm from the release of supplier information, as disclosure is likely to draw attention that is unwarranted, stressful and harmful to individuals that would be likely to endanger their safety.

We have therefore concluded, taking the above arguments into consideration, that the public interest in maintaining the exemption outweighs the public interest in disclosure; therefore the information is exempt from disclosure.

In relation to questions 2, 3 and 5 we can neither confirm nor deny whether UKRI holds the information you have requested under section 41(2) information provided in confidence and section 43(3) commercial prejudice.

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, the terms of any agreements with Horus explicitly state that all information regarding their services will be held in confidence and cannot be shared with third parties. To confirm the type of service would be an actionable breach of this confidence. 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.

Section 43(2) exempts information from disclosure where disclosure would prejudice commercial interests. Section 43(3) allows UKRI to neither confirm nor deny whether or not it holds information relevant to your request where to do so would prejudice the commercial interests of UKRI or a third party. Section 43 is a qualified exemption subject to the public interest test.

Factors in favour of confirming or denying if we hold relevant information

- There is a general public interest in confirming or denying whether information is held to ensure transparency and openness of a public organisation.
- There is also a public interest in confirming or denying in order to ensure the accountability of public organisations in procuring services.

Factors against confirming or denying if we hold relevant information

- We consider that confirming or denying whether we hold the information requested would cause damage to the commercial interests of Horus.
- The information is proprietary to Horus and we believe confirming or denying that we hold the information requested would prejudice their commercial interests, by undermining the techniques and procedures employed by Horus in developing its products and damage their business opportunities going forward.

- Confirming or denying whether we hold the information requested will be to the detriment of Horus leading to a tangible loss by undermining the commercial value of the services Horus provides and leading to considerable financial loss to Horus.

We therefore consider that the public interest favours neither confirming nor denying that information is held.

The fact section 41 and section 43 of the FOIA have been cited should not be taken as an indication that the information you requested is or is not held by UKRI.

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:

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: <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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