



[REDACTED]

20 August 2024

Dear [REDACTED],

**Freedom of Information request: FOI2024/00565**

Thank you for your Freedom of Information request received on the 25 June in which you requested the following:

**Your request:**

*I am reaching out to request information under the Freedom of Information Act 2000, which will be invaluable for my research into "Intellectual Property Management within UK Public Sector Organisations".*

*Specifically, I am interested in obtaining copies of the following documents related to your organization's intellectual property practices:*

- 1. Intellectual Property Policy:*
  - o Documents that outline your organization's approach to the creation, management, protection, and commercialization of intellectual property (IP).*
- 2. Intellectual Property Strategy:*
  - o Documents that detail your strategic approach and plans for developing, safeguarding, and leveraging intellectual property assets; including procedures for identifying, documenting, protecting, and managing IP assets.*

*The information provided by these documents will significantly contribute to my understanding of how intellectual property generated through research and innovation is managed and protected by your organization. Your assistance in this matter is greatly appreciated and will facilitate a comprehensive analysis of IP management practices.*

*To help with this request, please consider the following:*

- Format: I would be grateful if you could provide the documents in electronic format (PDF or Word) and send them via email.*
- Time Period: If there have been updates or revisions, I would like to request the most recent versions. If there are multiple versions from the past five years, I would appreciate receiving those as well.*
- Additional Information: If there are any supplementary documents that provide context or further explain your Intellectual Property Policy and Strategy, I would appreciate receiving those too.*

**Our response:**

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

The same request was sent to several research councils, as well as the British Antarctic Survey (BAS), the British Geological Survey (BGS). Both BAS and BGS are part of the Natural Environment Research Council (NERC), which, along with the [other research councils. Innovate UK and Research England](https://www.ukri.org/councils/)<sup>1</sup> have been brought together under UKRI. As this is the case, all your requests were handled as a single request from UKRI.

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<sup>1</sup> <https://www.ukri.org/councils/>

UKRI does not have an overarching Intellectual Property Policy, however the [UKRI Trusted Research and Innovation Principles](#)<sup>2</sup>, and notably the reference to IP in Section 3, highlights our expectations. Further information is also available in Section RG12 of the [UKRI fEC Grants Standard Terms and Conditions of Grant Guidance](#)<sup>3</sup>.

Please find attached “*UKRI Knowledge Asset Management Strategy\_Redacted*”, which provides a definition of Knowledge Assets (including Intellectual Property) and relates to these assets developed by UKRI staff, including UKRI-owned campuses, centres, units, institutes and facilities.

Outside of the scope of this strategy are Knowledge Assets generated through UKRI grants to external, third-party organisations. [UKRI fEC Grants Standard Terms and Conditions of Grant](#)<sup>4</sup> specify that these are owned by the grant recipient party. Section RGC 12 Exploitation, Impact and Acknowledgement will be of specific interest in this area. In addition, specific conditions apply to Innovate UK grants, as noted in Section 19 Intellectual Property Rights of the [Terms and Conditions of an Innovate UK Grant Award](#)<sup>5</sup>.

There are a number of documents noted under Annex 4 of the UKRI Knowledge Asset Management Strategy that are not readily accessible. Where appropriate, we have attached these documents, provided relevant links, or noted exemptions engaged to withhold them from disclosure. Details and information relating to the exemptions applied are listed below:

- UKRI Security Strategy – withheld under Section 31(1)(a)
- UKRI Wording on IP Terms and Conditions for health emergencies – attached
- [UKRI Good Research Resource Hub](#)<sup>6</sup>
- STFC IP Policy – redacted version attached, Section 40(2) applies
- STFC Awards to Inventors Policy – redacted version attached, Section 43(2) applies
- MRC Intellectual Assets Policy – redacted version attached, Section 40(2) & Section 43(2) applies

### **Section 31(1)(a) – Prevention and Detection of Crime**

Releasing the UKRI Security and Resilience Strategy 2023-2026 and details of what it contains would be likely to prejudice the prevention or detection of crime, as per Section 31(1)(a) of the Freedom of Information Act.

Section 31(1)(a) is a qualified exemption and therefore subject to a public interest test. UKRI applied the Public Interest Test to this request as set out below:

#### **Public interest in favour of disclosure**

- There is a public interest in favour of release of the information, to uphold the principles of transparency and accountability, in disclosing information about government or public authority infrastructure.

#### **Public interest test in favour of withholding the information**

- The UKRI Security and Resilience Strategy contains detailed approaches for protecting both public funded programmes and key areas of advanced research and innovation which supports the UK economy.
- The release of this information would be likely to make UKRI vulnerable to cyber-attack, foreign interference, activism and crime, providing hostile actors with insights into prevention techniques and procedures that would enable them to expose UKRI’s vulnerabilities.
- Disclosing information on UKRI’s internal procedures, risk and incident management methods or criteria for detecting fraudulent applications could enable potential fraudsters to manipulate their

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<sup>2</sup> <https://www.ukri.org/wp-content/uploads/2021/08/UKRI-170821-TrustedResearchandInnovationPrinciples.pdf>

<sup>3</sup> <https://www.ukri.org/wp-content/uploads/2024/04/UKRI-020424-FECGrantTermsConditionsGuidanceApril2024.pdf>

<sup>4</sup> <https://www.ukri.org/wp-content/uploads/2024/04/UKRI-020424-FECGrantTermsConditionsApril2024.pdf>

<sup>5</sup> <https://www.ukri.org/wp-content/uploads/2024/04/UK-250424-TermsConditionsGrantAwardApril2024.pdf>

<sup>6</sup> <https://www.ukri.org/manage-your-award/good-research-resource-hub/>

submissions to evade detection. This could lead to a misuse of public funds intended for legitimate research.

- There is an overwhelming public interest in keeping public authorities secure, which would be best served by non-disclosure.

UKRI therefore reached the conclusion that, on balance, the public interest is better served by withholding this information under Section 31(1)(a).

### **Section 40(2) – Personal Information**

We are exempting the names and contact details of individuals contained in the attached documents under section 40(2) of the FOIA. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption and does not require a public interest test.

### **Section 43(2) – Commercial Interests**

We consider some of the information contained within the MRC Intellectual Assets Policy and STFC Awards to Inventors Policy falls under the scope of Section 43(2) of the FOIA. This exemption is used where disclosure would likely result in a person's (an individual, a company, the public authority itself, or any other legal entities) commercial interests being prejudiced.

This is a qualified exemption, and a test was carried out to determine whether the public interest in maintaining the exemption outweighs public interest in disclosure.

#### **Public interest in favour of disclosure**

- There is a general public interest in the disclosure of this information to ensure transparency and openness of a public organisation.
- There is also a public interest in transparency in order to ensure the accountability of public organisations and how they spend public funding.

#### **Public interest in favour of withholding the information**

- The MRC Intellectual Assets Policy contains information commercially sensitive to the partner supplier, such as their business model and operational methods and agreed decision making processes, which if released may harm their ability to compete for future commercial opportunities and be taken advantage of by competitors in planning competing business strategies.
- Releasing information provided in confidence to UKRI is likely to damage the possibility of ongoing relationships with other organisations. Relationships may become untenable if third parties cannot be certain that their commercial information will remain confidential when held by UKRI.
- Both documents also contain details of the share of income or share proportion percentage from IP exploitation, which if released could affect UKRI's ability to attract and retain staff and innovation experts. Release of this information would give other companies and organisations knowledge they can use to create more attractive employment packages in relevant areas.
- Breaching the commercial interest may also adversely affect future negotiation opportunities for UKRI. UKRI may be seen as a 'confidentiality' risk if it routinely releases information relating to business arrangements into the public domain, particularly where this is third party information.
- We also considered the impact on UKRI if commercially sensitive information of companies we engage and work closely with were disclosed. We believe it would damage the trust in UKRI and likely impact our ability to carry out our role and manage our current and future investments.

Taking the above arguments into consideration, we reached the decision that the need for commercial confidentiality outweighs the public interest in disclosure; therefore the information is exempt from disclosure.

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)

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](#)<sup>7</sup>.

Yours sincerely,

  
Information Governance  
Information Rights Team  
UK Research and Innovation  
[foi@ukri.org](mailto:foi@ukri.org) | [dataprotection@ukri.org](mailto:dataprotection@ukri.org)

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<sup>7</sup> <https://www.ukri.org/who-we-are/contact-us/make-a-complaint/#skipnav-target>