



[REDACTED]

21 June 2022

Dear [REDACTED],

**Freedom of Information request: FOI2022/00139**

Thank you for your Freedom of Information Act (FOIA) request received on the 11 April in which you requested information relating to Medical Research Council (MRC) – University of Glasgow Centre for Virus Research (CVR):

**Your request:**

*Could we please receive the quinquennial review QQR for the MRC UKRI Centre for Virus research (CVR - University of Glasgow) for the funding Quinquennial Core Funds from the Medical Research Council 2016-2021?*

**Clarification received 12 April 2022**

*I'm interested in the QQR for the period 2016-2021. In the case where the period is covered in two QQRs i.e. "the 2015 QQR" and the "upcoming QQR" as per your email, I am interested in both.*

**Our response:**

I can confirm UK Research and Innovation (UKRI) does hold information relevant to your request. We have identified two documents we consider to be within the scope of your request. These are the MRC Infections and Immunity Board Scientific Review Subcommittee report for the CVR (November 2015) which covers the current quinquennial review (QQR) period, and the Board Assessment report (February 2016) which records the outcome of the review. The timetable for the upcoming review period, covering the period beyond 2021, was affected by the pandemic and has not yet taken place, and accordingly, no outputs exist.

The two documents have been provided with this response, *FOI2022-00139 Subcommittee report (November 2015)* and *FOI2022-00139 CVR IIB BAT*. Some information has been redacted as discussed below, but information has been disclosed which outlines the process and provides high-level information on the review and its outcome, or involves information about CVR's research which is already publicly available, either through the UKRI [Gateway to Research](https://gtr.ukri.org/)<sup>1</sup> and the Centre's website.

To provide some context the MRC QQR process is confidential to ensure investments can provide sufficiently detailed information to facilitate external peer review and allow the Subcommittee and Board the safe space to deliberate and discuss and develop their views. As the documents contain detailed, and scientifically critical assessment of individual research programmes, involving both past progress and planned research which is still ongoing, in addition to personal information, some information has been withheld.

Further details on the exemptions that are considered to apply are outlined below.

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<sup>1</sup> <https://gtr.ukri.org/>

## Section 36 – Prejudice to the effective conduct of public affairs

Section 36 of the FOIA states:

*(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure under this Act-*

- (b) would, or would be likely to, inhibit-*
  - (i) the free and frank provision of advice, or*
  - (ii) the free and frank exchange of views for the purposes of deliberation, or*
- (c) would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs.*

In considering your request we have explored whether Section 36(2)(b)(i) and (ii) would be engaged and would, or would be likely to, inhibit the free and frank provision of advice or exchange of views between members of the subcommittee and the CVR. Section 36(2)(c) was also explored to consider whether disclosure would otherwise prejudice the effective conduct of public affairs, if the management of the QQR process was negatively affected by concerns around the impact of potential disclosure.

The opinion of UKRI's Chief Executive Officer was sought on the application of this exemption, as UKRI's Qualified Person under the FOIA. Professor Dame Ottoline Leyser has confirmed that it is her opinion that prejudice would occur from disclosure of some of the information contained within the reports. In particular, that disclosure would be damaging to the review process under section 36(2)(b)(i) and (ii) as the advice of the reviewers and discussions of the review panel are explicitly confidential to ensure free and frank provision of advice, and deliberations, as is the case more widely with peer review reports and panels. Further section 36(2)(c) would also be engaged as the processes in question are used across a wide range of UKRI activities, and the release of peer review advice and discussions would prejudice the conduct of public affairs by undermining confidence in the process, and negatively affect all peer review processes.

As this is a qualified exemption a 'Public Interest Test' has been applied as explained below.

We have concluded that this information would be exempt under section 36(2)(b)(i) to protect the frank advice in the reports associated with individual (university) staff and research programmes; under section 36(2)(b)(ii) to protect deliberations and judgements made about past and future research programmes; and under section 36(2)(c) to protect for information about budgeting and scores which would impact on perceptions about the management of the unit. The exempt information has been redacted from the documents provided with this response, and further information on the public interest considerations are provided below.

### Public interest test

When assessing whether or not it was in the public interest to disclose the requested information to you, we have considered the following factors:

#### **Public interest arguments in favour of releasing the information:**

- There is a requirement for the MRC to be accountable and transparent in its QQR processes and decision making, and in the spending of public money.
- The MRC aims to be as open as possible in publishing information on its investment activities.
- Releasing information on the Subcommittee and Board assessment would help inform the public about the justification for the CVR funding decision.
- Releasing assessment information obtained as part of the QQR process may also help assure the public that the appropriate expert advice is being taken to inform MRC funding decisions.
- As the Subcommittee report was produced in 2015 some of the future research plans described in the report will have progressed, and some outcomes may have been published meaning some information may be publicly available, for example on the UKRI Gateway to Research, CVR's website and research publications.

## **Public interest arguments against releasing the information:**

- All information on past achievements and future plans are submitted to the MRC in confidence as the QQR is conducted under an obligation of confidentiality. Accordingly, Subcommittee members are required to treat all material and discussions associated with the review in strict confidence. This is necessary to protect sensitive information (including intellectual property) and associated discussions. These protections enable a full and frank assessment of the detailed work of MRC units which is critical for robust and transparent funding decisions.
- The Subcommittee report and Board assessment include privileged information on the scientific activities of the unit. These programmes and their scientific plans are still active and some of the information may not have been published. Therefore, there remains the requirement to protect some information.
- Both the Subcommittee and Board assessments contain a frank evaluation of CVR's work and sensitive judgements that directly relate to the performance of individual CVR staff. These individuals would expect this feedback to remain confidential. Releasing such information would be unfair because it could affect future career prospects. Simply redacting the names of the individuals involved but releasing the comments would be an inadequate safeguard as individuals could easily be identified from the scientific information described in the feedback and publicly available information (such as university websites and publications).
- The Subcommittee and Board deliberations provide advice to the MRC on whether and to what extent it should invest in the work of the unit. They do so with the expectation that there will be no unjust consequences for staff.
- There is the danger that if the details of the Subcommittee and Board deliberations were released in full it would inhibit the free and frank provision of advice to MRC in the future. This would compromise the thoroughness of future unit assessments, the quality of feedback to the unit and the quality of MRC decision-making. Due to the significant investments in MRC units, this is of particular importance as it ensures that sizeable public funds are not wasted.
- Descriptions of all unit investments are published, at the individual programme-level, on the UKRI Gateway to Research following the completion of the review and confirmation of funding decisions. This includes an abstract describing high-level scientific ambitions without compromising sensitive details. This is consistent with provision of MRC grant-investment activities and meets MRC's openness and accountability commitments to the public.

Overall, UKRI considers that on this occasion the public interest is best served by applying the Section 36 exemption, and therefore the relevant information has been withheld from disclosure.

## **Section 40 – Personal information**

Some of the information also engages section 40(2) personal data. This applies where comments relate directly to individuals, such as Programme Leaders, research teams and members, or to the Director, and may relate to their research, leadership role and career development. There is also a close relationship between past work and future plans, and the information in the reports remains sensitive due to the impact disclosure may have on individual staff and ongoing research.

Section 40 also applies to the information on Subcommittee members, including information relating to the review process, such as declarations of interest, and attributed comments and opinions on research programmes. Subcommittee members currently sign confidentiality agreements to protect the integrity of the review process, and would not expect attributed comments to be disclosed, either confidentially or publicly. While comments made in the main body of the Subcommittee reports are not directly attributed to individuals, there remains a danger that comments could be attributed to individual Subcommittee members based on their special areas of interest.

We therefore consider that the names of individuals and opinions relating to individuals would be exempt 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 the UK General Data Protection Regulation (UK GDPR). Section 40(2) is an absolute exemption and does not require a public interest test.

### **Your rights:**

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](mailto:foi@ukri.org) or [infogovernance@ukri.org](mailto:infogovernance@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: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,

  
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