

## **Freedom of Information and Data Protection**

### ***Freedom of Information***

As a public authority, the University is subject to information disclosure obligations under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2002 (together, the “Fol Legislation”). The Fol Legislation provides a general statutory right of access to information held by or on behalf of a public authority, including information provided by third parties such as suppliers and tenderers. This right of access is subject to a number of exemptions, including those relating to confidential information and commercially sensitive information. Further details of the University’s policy on freedom of information can be found at <http://www.plymouth.ac.uk/theuniversity/foi>.

Tenderers should be aware that all or some of the information they submit to the University, the content of the Contract awarded and even details of unsuccessful tenders may need to be disclosed by the University in response to a request for information under the Fol Legislation. We may also be required to include certain information about contracts currently available for tender and successful tenders in the publication scheme which we maintain under the Fol Legislation.

Before publishing any such information, the University would redact any information which would be exempt from disclosure under the Fol Legislation. In order to assist the University in applying any applicable exemptions, tenderers should:-

- identify any of the information included in their tender which they consider to be commercially sensitive or confidential;
- give a brief explanation of the harm which they anticipate would result from disclosure under the Fol Legislation and the likely time period during which that information would remain sensitive; and
- include details for a named individual whom the University may contact with regard to the requirements of the Fol Legislation.

Tenderers should note that, while their views will be taken into consideration, the ultimate decision whether to publish or disclose information under the Fol Legislation lies with the University. Even where they have indicated that information is commercially sensitive or confidential, the University may still be

required to disclose it under the FoI Legislation. It is unlikely that a tender will be exempt from disclosure in its entirety. The mere fact that material is marked “confidential” (or similar) does not automatically mean that the University is under an overriding duty of confidentiality in respect of it.

Should the University decide to publish or disclose information against the wishes of a tenderer, the tenderer will be given prior notification.

### ***Data Protection***

The University is subject to various duties under the Data Protection Act 1998 with respect to its use, retention and disclosure of personal data (broadly, data relating to living individuals who can be identified from that and other data). In particular, an individual is entitled to request whether his or her personal data is being processed by the University and if so, to:

- a description of the personal data held, the purposes for which it is being processed and the recipients or classes of recipients to whom the data may be disclosed; and
- information regarding the source of the data (subject to certain confidentiality protections).

To the extent that a tender includes personal data, those duties and requirements would apply to that data.