

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 7 June 2021

**Public Authority:** Cambridge Enterprise Limited  
**Address:** The Old Schools  
Trinity Lane  
Cambridge  
CB2 1TN

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about companies founded with the assistance of Cambridge Enterprise Limited ('CEL'). CEL's position is that it does not hold the requested information.
2. The Commissioner's decision is as follows:
  - On the balance of probabilities CEL does not hold the information the complainant has requested and has complied with section 1(1)(a) of the FOIA.
3. The Commissioner does not require CEL to take any remedial steps.

#### **Request and response**

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4. On 20 July 2020 the complainant wrote to CEL and requested information in the following terms:

"As part of this freedom of information request, I was wondering if you could provide statistics concerning the

  - 1) Socioeconomic background (before matriculation at the university)
  - 2) Racial background

### 3) Disability status

Of individuals who over the course of the past five years have founded companies with the assistance of Cambridge enterprise”

5. CEL responded on 11 August 2020, advising the complainant that it does not hold the requested information.
6. Following an internal review CEL wrote to the complainant on 30 August 2020. It maintained its position.

## Scope of the case

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7. The complainant contacted the Commissioner on 1 September 2020 to complain about the way his request for information had been handled.
8. Having considered his complaint and the submission she received from CEL, on 21 May 2021 the Commissioner wrote to the complainant with her assessment of his complaint. She explained that it was not her role to consider whether CEL *should* hold the information he is seeking; but solely to consider whether, on the balance of probabilities, CEL did or did not hold that information at the time of his request. She advised the complainant that, in her view, CEL did not hold the requested information and invited him to withdraw his complaint at that point. The complainant preferred to conclude his complaint formally, through a decision notice.
9. The Commissioner’s investigation has focussed on whether, on the balance of probabilities, CEL holds the information the complainant has requested.

## Reasons for decision

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### **Section 1 – general right of access to information held by public authorities**

10. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b) to have the information communicated to them if it is held and is not exempt information.
11. In its submission to the Commissioner, CEL has explained that it has gradually been moving to paperless systems over the last 10 years. Information is formally disclosed to CEL by members of the University of

Cambridge wishing to commercialise the output of their research using a specific disclosure form. This form provides CEL with all the initial information required to understand the intellectual property generated by the research. Subject to further due diligence this is sufficient for CEL to decide on whether the intellectual property represents a sufficient commercial opportunity for CEL progress.

12. CEL has provided the Commissioner with a copy of the disclosure form template. It has noted that none of the information the complainant requested is captured through the form.
13. CEL says it has re-keyed the information captured in these disclosure forms into several relational databases over the last 20 years. In 2016 CEL embarked on the development of a customised CRM system, on the MS Dynamics 365 platform to retain this information and assist in the commercialisation of the intellectual property created by members of the University of Cambridge. The design of this database did not specify any fields that could be used to record the information the complainant has requested. All legacy data relating to intellectual property commercialisation performed by CEL was migrated into this database from its predecessors ahead of its go-live in January 2019.
14. CEL has confirmed it is a separate legal entity to the University of Cambridge and does not have access to any information captured by the University concerning socioeconomic or racial background or disability status of staff or students. In CEL's view it would be inappropriate under data protection legislation for the University to disclose such special category data to CEL.
15. To summarise, CEL's position is that it has never collected the information the complainant has requested and does not hold it.
16. In correspondence to the Commissioner dated 24 May 2021, the complainant discussed his view that CEL is obliged to comply with the Public Sector Equality Duty, from which other duties would arise. He considers that CEL legally has to collate the information he has requested, that CEL possesses that information and that the public is entitled to it.
17. The Commissioner will repeat, in cases such as this it is not the Commissioner's role to consider whether or not any public authority *should* or *is legally obliged* to hold particular information that may have been requested. Her focus is solely whether, on the balance of probabilities, the authority did or did not hold the information at the time of the request.

18. CEL has quite categorically confirmed to the Commissioner that it does not hold the requested information and has never collected it. The Commissioner has reviewed the disclosure form through which members of the University of Cambridge submit their research for possible commercialisation. The disclosure form does not ask those members to provide the information the complainant is seeking; therefore, CEL does not hold it.
19. The Commissioner notes that in his correspondence to her of 24 May 2021 the complainant conflates CEL and 'the University' by which the Commissioner understands the complainant to mean the University of Cambridge. Some of the supporting material the complainant sent to the Commissioner also appears to concern 'the University'. CEL had advised the complainant that it is a separate legal entity to the University, as such it is a public authority in its own right. If he has not done so already, the complainant may therefore want to consider submitting a request to the University of Cambridge for the information he is seeking.
20. As it is, the Commissioner's decision is that, on the balance of probabilities, CEL did not hold the requested information at the time of the request, and its response complied with section 1(1)(a) of the FOIA.

## Right of appeal

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21. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals  
PO Box 9300  
LEICESTER  
LE1 8DJ

Tel: 0300 1234504 and from 14 June 2021: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

## Signed

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**