

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2024

Public Authority: University of Cambridge
Address: Trinity Lane, Cambridge
CB2 1TN

Decision (including any steps ordered)

1. The complainant has requested members lists' for the Guild of Cambridge Benefactors and the University Vice Chancellor's Circle. The University of Cambridge ("the University") withheld the information under sections 40(2) (personal data) and 43(2) (commercial interests) of FOIA.
2. The Commissioner's decision is that the University correctly relied on section 43(2). Due to this decision, it has not been necessary for the Commissioner to consider the application of other exemptions.
3. The Commissioner does not require further steps.

Request and response

4. On 17 July 2023, the complainant wrote to the University and requested information in the following terms:
"Part one:
 - (1) Please provide a full list of members of the Guild of Cambridge Benefactors. Please provide their full names.
 - (2) Please state which year the member joined.
 - (3) Please state whether any members are now former members, or if any are deceased, or if any had their membership revoked.

Part two:

- (1) Please provide a full list of members of the University Vice Chancellor's Circle. Please provide their full names.
 - (2) Please state which year the member joined.
 - (3) Please state whether any members are now former members, or if any are deceased, or if any had their membership revoked."
5. The University responded on 10 August 2023. It stated that it considered the information exempt under sections 40(3) (personal data) and 43(2) (commercial interests) of FOIA. The University maintained this position at internal review.

Reasons for decision

6. Under section 43(2) information is exempt information if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).
7. In addition to demonstrating that disclosure would or would be likely to prejudice the commercial interests of the University, a third party or both, the University must also consider the public interest test, as section 43 of the FOIA is a qualified exemption.
8. The University stated that it considered disclosure of the names of donors would be likely to prejudice its commercial interests.
9. The University explained that it considers securing philanthropic gifts is a commercial interest as it takes place within "a competitive international market of elite universities". If the University were to disclose the requested information, this could deter potential future donors due to the belief their own information may be disclosed.
10. The Commissioner accepts that some donors may be put off from entering the donation process if they believe their identity could become public. If that were to happen, it would reduce the University's pool of donors, thereby reducing its income and making it more difficult to attract the best students. That is sufficient to engage the exemption.
11. The Commissioner has therefore gone on to consider the public interest test.
12. The Commissioner acknowledges there is an inherent public interest in ensuring openness, value for money, transparency and accountability about the income universities receive from philanthropic donations. It

also accepts that there is a public interest in promoting understanding of how the University is funded.

13. However, the University considers there is a real and tangible risk that the disclosure of the outstanding requested information would be likely to prejudice the commercial interests of the University and such consequences are not in the public interest. As stated previously, the University considers disclosure would be likely to result in existing donors being reluctant to continue their philanthropic connection with it and could deter future individuals from donating at all. Disclosure would therefore put the University at an unfair disadvantage to other institutions and research centres, and again, this would not be in the public interest.
14. The Commissioner considers the public interest is best served by protecting the University's ability to compete fairly with other universities for philanthropic donations. He notes that the specific lists requested relate to the Guild of Cambridge Benefactors and the Vice-Chancellor's Circle. These two groups were launched, respectively, to thank donors who have given over £1 million, and over £250,000, and so represents a significant amount of revenue. If the University's ability to source this funding is hindered, this would be likely to have a real and significant impact on the core business of the University, its ability to carry out its functions and ultimately the standard of teaching and learning it is able to offer to students. For these reasons, the Commissioner is satisfied that the public interest is best served by maintaining the exemption in this case.
15. Since section 43(2) is engaged in respect of all the withheld information, it's not necessary for the Commissioner to consider the University's application of section 40(3).

Right of appeal

16. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF