

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 November 2022

Public Authority: Council of Goldsmiths, University of London
Address: Senate House
Malet Street
London
WC1E 7HU

Decision (including any steps ordered)

1. The complainant has requested past examination papers and scoring for several BSc Computer Science courses at Goldsmiths, University of London over the last two years. The University refused the request under section 43 of the FOIA.
2. The Commissioner's decision is that the public authority has demonstrated the exemption is engaged and the public interest favours maintaining the exemption and withholding the information.

Request and response

3. On 30 June 2022 the complainant wrote to the University and requested copies of specific BSc Computer Science past year papers and solutions (if available) for the last two academic years.
4. The public authority refused to provide this information, relying on section 43 of FOIA in order to do so – a position it upheld at internal review.

Scope of the case

5. The Commissioner considers the scope of the investigation to be to determine whether the University has correctly applied the section 43(2) exemption to withhold past papers and solutions for the specified BSc

Computer Science courses over the past two years and, if so, where the balance of the public interest lies.

Reasons for decision

6. Section 43(2) FOIA exempts information the disclosure of which would, or would be likely to, prejudice the commercial interests of any person (ie an individual, a company, the public authority itself or any other legal entity). In order for such information to be exempt, a public authority must show that, because it is commercially sensitive, disclosure of it would, or would be likely to, prejudice the person's commercial interest. The exemption is qualified, so where the exemption is engaged it is then necessary to apply a public interest balancing test.
7. The Commissioner has considered the issue of the disclosure of course materials, past examination papers, and solutions before in [IC-48161-T9S1](#), [FS50812982](#), [FS50624975](#) and the issue has also been considered at the First-Tier Tribunal in [EA/2009/0034](#) so he does not intend to repeat these arguments here.
8. In all of these cases it was accepted that there exists a competitive environment at colleges and universities and there is a commercial interest in this kind of information.
9. In addition to this the Commissioner has also considered an identical request for information to the University of London in decision notice IC-171440-Q0X6. In that case the Commissioner found that the section 43 exemption was engaged and for the same reasons as in that case he finds the exemption engaged again here.
10. The Commissioner does not intend to repeat his consideration of the public interest test again as the arguments remain the same as in the previous decision and he again maintains the balance of the public interest lies in withholding the requested information.

Right of appeal

11. 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

12. 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.
13. 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

Jill Hulley
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Wycliffe House
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SK9 5AF