

28th June 2019

Sent by email: [REDACTED]

Dear [REDACTED],

Freedom of Information request: 2019/0075 – Internal Review

Thank you for your Freedom of Information request originally received on the 14 March 2019 in which you requested information pertaining to the Innovate UK programme 'Creating a network of digital pathology imaging and AI centres'. In your request you asked for a copy of all successful bids to this competition with particular interest in what was proposed by University Hospital Coventry & Warwickshire NHS Trust ("UHCW").

A response was sent to you on 12 April 2019 in which the information you requested was exempted under Section 41 (Information provided in confidence) and Section 43 (Commercial interests) of the Freedom of Information Act 2000 ("FOIA"). On 12 April 2019 you then put forward a request for an internal review of the decision.

I would like to address each of the points that you have raised in your internal review request. As such, please find my findings below:

1) *Why was your response late (needing my chasing email to prompt you to forward a letter dated 5th April)?*

As stated in our acknowledgement of your request on 15 March 2019 a response to your FOI request was due on 11 April 2019. We did send the response on the 11 April 2019, but due to unforeseen IT issues the email was unsuccessful. The Case Officer did not discover this until you chased up your response on 12 April 2019. At this point the response was sent to you again with our apologies. I note that you state later on in your email above that the response was a week late; however, as mentioned the response was due on 11 April 2019 not a week earlier.

2) *The link to Innovate UK funding competition winners 2018 does not appear to contain any reference to "Creating a network of digital pathology imaging and AI centres". Can you please provide me with the title of the relevant document that refers to this specific area so that I may review its contents.*

As stated in our response sent on 12 April 2019, this information was not yet available but was intended for future publication. The information on the "Creating a network of digital pathology imaging and AI centres" is now available on the below link.

<https://www.gov.uk/government/publications/innovate-uk-funded-projects>

To find the information on the competition go to column B 'Competition Title' and search for the competition. In this case the exact name of the competition is 'ISCF - Creating a network of digital pathology imaging and AI centres' this will then show you all the publicly available information on the successful applicants, including public description, project title, project start and end date and grant offered.

3) Please provide the 'Brief overview of the successful bid' relating to University Hospitals Coventry & Warwickshire (UHCW)

This information is available on the above link.

4) Did Innovate UK actually seek permission from UHCW to disclose the requested information? Please provide a copy of their full response.

The University Hospital Coventry & Warwickshire NHS Trust were not contacted.

5) Your response mentions a number of areas that would be commercially confidential namely: financials, cost/schedule information, scoring, feedback and project plan. Please can you redact the bid document from UHCW to exclude this commercially confidential information and provide what remains as a matter of some urgency.

In our response sent on 12 April 2019, Section 41 and Section 43 of the FOIA was applied to the application put forth by UHCW and all the other applicants to the competition in question. After reviewing the case I have concluded that these exemptions are still appropriately applied in this case for the reasons explained below.

Section 41 – Information provided in confidence

The application process itself in its entirety was developed with the understanding that it was considered confidential and therefore applicants can impart information which is commercially sensitive in confidence. Therefore, as explained previously, the application form and all associated documents are provided to Innovate UK with the expectations of confidentiality. As such disclosing this information would result in an actionable breach of confidentiality

Upon further review of the application from UHCW, we are of the view that it is not possible to separate out the sensitive data by anonymisation or redaction. As such, we are exempting the document in its entirety. The section 41 exemption is absolute, as this is the case there is no requirement to conduct a public interest test.

Section 43 – Commercial interests

In the response sent on 12 April 2019 the exemption above was invoked as we believe disclosure would result, or would likely result, in a person's commercial interest being prejudiced. This is a qualified exemption meaning this is subject to a public interest test. When we conducted the test, we concluded that the commercial interests outweighed the public interest.

Upon review, I am upholding this decision. We acknowledge that it is in the public interest that public organisations are open in regard to how funds are distributed and transparent in their conduct. However, we still hold the view that releasing the application documentation would prejudice the ability of UHCW and the other successful applicants to conduct their affairs. These projects are still ongoing and releasing the sensitive

information contained within the application, which includes detailed project plans, cost and schedule information could be taken advantage of.

The argument made regarding the impact on not just UHCW but on Innovate UK and by extension on UKRI also still holds. Innovate UK has an understanding with the applicants that all applications, which as explained above contain commercially sensitive information, will be held in confidence. If this information is then subsequently released, we believe that this will damage the trust that organisations have in Innovate UK and have a detrimental impact in carrying out their public function of promoting innovation taking place in the UK and internationally.

Bearing in mind the above factors, I have decided to affirm the original decision on your request.

If you are not content with the outcome of this 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:

Information Commissioner
Wycliffe House,
Water Lane
Wilmslow
Cheshire
SK9 5AF


Enquiry/Information Line: Between 9am and 5pm Monday to Friday 0303 123 1113 or 01625 545745

Further information about the Office of the Information Commissioner can be found at <http://www.ico.gov.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/>

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Yours sincerely,


Head of Information Rights
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UK Research and Innovation

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