

## **Our Reference: 2528**

FOI Request dated 21/12/2022 as follows –

- 1. Does your provider collect data on the disclosure of the sexual orientation or gender identity of your governing body (ie, Council, Board of Governors or equivalent)? YES/NO*
- 2. Does your provider collect data on the disclosure of the sexual orientation or gender identity of your executive management team (ie, the small team of senior management such as the leadership team, executive board, or SMT chaired by the head of your institution) YES/NO*
- 3) If the answer is YES, to questions 1 and 2, can you provide the most recent breakdown of numbers of individuals identifying as LGBT+ (broken down further if you have collected the data on a more specific basis, eg a gay man, lesbian, trans woman, non-binary):*
  - a) the governing body*
  - b) the executive/senior management team*
- Can the above also be represented as a % and also would you be able to provide the total numbers on each body, and the reporting period the data covers.*
- 4) If you answered NO to questions 1 and 2, can you set out the institutional basis for the decision not to collect these data.*
- 5) Do you collect and monitor other diversity or protected characteristic data for a) the governing body and b) the executive/senior management team? YES/NO.*
- 5a) If you answered YES to question 5), on which other diversity or protected characteristics do you collect data?*
- 6) Do you have a published Equality Diversity and Inclusion (EDI) or equivalent statement or commitment (including targets) in respect of the recruitment, composition and membership of [a] the governing body or [b] the executive/senior management team. YES/NO*
- 6a) If you answered YES to 6 can you provide a URL or attach a copy of the relevant EDI statement or commitment, or other relevant reference to the diversity of the governing body executive/senior management team?*
- 7) Does your provider have any initiatives in place (or planned) to promote more widely within your institution and beyond, the presence and profile of LGBT+ staff in leadership and senior governance positions. Please provide further details.*
- 8) Do you collect data on LGBT+ wider workforce? YES/NO*
- 9) Do you collect data on LGBT+ student body? YES/NO*
- 10) If you answered YES to 8 and/or 9, can you provide the data?*

## **Response**

1. Does your provider collect data on the disclosure of the sexual orientation or gender identity of your governing body (ie, Council, Board of Governors or equivalent)? - **Yes**
2. Does your provider collect data on the disclosure of the sexual orientation or gender identity of your executive management team (ie, the small team of senior management such as the leadership team, executive board, or SMT chaired by the head of your institution) - **Yes**
- 3) If the answer is YES, to questions 1 and 2, can you provide the most recent breakdown of numbers of individuals identifying as LGBT+ (broken down further if you have collected the data on a more specific basis, eg a gay man, lesbian, trans woman, non-binary):
  - a) the governing body & b) the executive/senior management team
- Can the above also be represented as a % and also would you be able to provide the total numbers on each body, and the reporting period the data covers.

**Section 17 of the Freedom of Information Act 2000 requires the University of Hull, when refusing to provide such information (because the information is exempt) to provide you the applicant with**

a notice which: (a) states that fact; (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. The exemption applicable to the information is absolute stating In accordance with the Act, this letter represents a Refusal Notice for this particular part of your request. This action cannot be taken as confirmation or denial that University of Hull holds the information you have asked for, we therefore apply Section 40(2) - Personal Information.

When a request is made under FOIA for information that includes personal data we are required to consider whether disclosing those data would breach the data protection principles contained within Article 5(1) of the UK General Data Protection Regulation (GDPR).

In considering a disclosure under FOIA, the University must also take into account that any information released under the Act will be placed in the public domain.

On this occasion the numbers and percentages of staff who identified as Lesbian, Gay, Bisexual and or Transgender + (LGBT+) for the time periods given and who were within the requested departments or governance structures were low and this increases the risk that these people will be identifiable certainly by fellow employees and students who work or study at the University.

We believe that disclosure of some of the requested information, specifically the number and / or percentage of staff identifying as LGBT+, broken down by gender and department or position within the governance structure, would make these individuals identifiable and would be contrary to the requirements of Article 5(1)(a) of the GDPR; namely that information must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

We have followed the Information Commissioner's guidance in assessing whether it is fair to disclose this information under FOIA. This involves considering the nature of the information, the expectations of and potential harm (of disclosure) to the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

We note that none of the requested information which includes special categories of personal data is publicly available. The data subjects would not have had a reasonable expectation that this information would be made public, either now or at the time the information was created. Additionally, we have not identified a lawful basis that would allow or require us to disclose this information. We have therefore concluded that disclosure of this information would be in contravention of the GDPR.

4) If you answered NO to questions 1 and 2, can you set out the institutional basis for the decision not to collect these data. – **N/A**

5) Do you collect and monitor other diversity or protected characteristic data for a) the governing body and b) the executive/senior management team? **Yes for both**

5a) If you answered YES to question 5), on which other diversity or protected characteristics do you collect data?

**Age, Gender, Disability, Relationship Status, Ethnicity, Race, Nationality, Religion and Belief, Sex, Pregnancy and Maternity**

6) Do you have a published Equality Diversity and Inclusion (EDI) or equivalent statement or commitment (including targets) in respect of the recruitment, composition and membership of [a] the governing body or [b] the executive/senior management team. – **No to both**

6a) If you answered YES to 6 can you provide a URL or attach a copy of the relevant EDI statement or commitment, or other relevant reference to the diversity of the governing body executive /senior management team? **N/A**

7) Does your provider have any initiatives in place (or planned) to promote more widely within your institution and beyond, the presence and profile of LGBT+ staff in leadership and senior governance positions. Please provide further details. – **No**

8) Do you collect data on LGBT+ wider workforce? - **Yes**

9) Do you collect data on LGBT+ student body? - **No**

10) If you answered YES to 8 and/or 9, can you provide the data?

**Staff Total – 1999 (as of 04/01/2022)**

**Total LGBT+ = 4%**