

Request Ref: 2609

FOI Request dated **11/04/2022** as follows –

- *Under the terms of the Freedom of Information Act 2000, I'd like to request all held exam papers & solutions (if held) for BA Law from the academic years commencing 17/18 to 18/19.*

Response

Please note we do not have a BA Law programme but we have an equivalent of LLB in which the below response relates to.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

We therefore apply Section 43 (2) Prejudice to Commercial Interests.

Past exam papers, materials and solutions for 2017/18 and 2018/19 for the University of Hulls BA Law programme are regarded as commercially sensitive information and Section 43(2) of the Act (Commercial Interests) can be considered.

Section 43 is a class-based qualified exemption and is therefore subject to a Public Interest test.

The information requested relates to the University of Hulls legitimate economic interests and our view is that the disclosure of past exam papers and solutions into the public domain would prejudice UOH commercial interests because it would reveal the Department of Law teaching content and examination content, and this information could be used by other higher education institutions for their own commercial advantage.

Teaching and assessment materials produced by the University of Hull for this degree programme are considered to be the intellectual property of the UOH and part of our commercial assets, which are provided to students when they enroll on a course. UOH academia put a considerable amount of time, effort and expertise into the creation of high-quality teaching and assessment materials to develop a programme that will attract students to study at the UOH, rather than another institution (or competitor in this case).

Universities operate within a highly competitive market to recruit students to its degree programmes, and teaching and assessment materials are a key part of the product provided in the payment of the course tuition fees. The disclosure of past examination papers would allow other competitors in the sector to access the content of our materials and assessment methods.

We understand the UOH is obliged to be transparent and we have therefore considered that students at the UOH are able to access archived papers via a student portal (should they require), however it is not in the public interest to disclose to the wider audience past papers along with their solutions.

The exam papers and some solutions are made available to students of the University, this a benefit of being a student at the University of Hull. If all previous papers, solutions, answers and material were made freely available and fully released to the public it would be detrimental and damaging to the commercial interests of the UOH prejudicing its ability in a competitive global market. Whilst they may be of interest to the public, there is no additional benefit to the public at large by the release of the additional information.

Overall, we do not believe that the factors favouring disclosure outweigh the factors of favouring non-disclosure.

While we recognise there is a general public interest in the University of Hulls exam papers and solutions, we also recognise the direct conflict this principle has with the point on protecting the UOH from commercial disadvantage against our competitors. After considering the above factors, we believe reasons for against disclosure outweigh the public interest in releasing this information, and therefore Section 43(2) is applied.