

Request Reference: 3333

FOI Request dated 03/02/2025 –

I would be grateful if you could send me the following information for your undergraduate admissions for starting their first year of a course in each year between 2019 and 2024 inclusive:

- 1. The number of undergraduate students admitted to their first year*
- 2. The number of (1) admitted through the clearing process*
- 3. The number of (1) admitted who are international students (i.e. not qualifying for home fee status)*
- 4. The number of (1) who are international students admitted through the clearing process*

Please note for clarity that this is across the student body - I do not require a breakdown by course.

Response

Information held. However, the University declines to release the requested data as it considers information about applicants UG applications and offers to be exempt from disclosure under section 43 (2) of the Freedom of Information Act 2000. Section 43 (2) states that, ‘information is exempt information if its disclosure under the Act would or would be likely to prejudice the commercial interests of any person’.

The exemption at 43(2) is claimed because the untimely release of the data into the public domain would be likely to influence the behaviour of competitor institutions to the detriment of free and open competition and prejudice the University’s commercial position by providing an understanding of our offer strategies in a highly competitive sector and so harm the ability of universities to compete fairly and openly.

Universities operate in a global marketplace and compete for students, research funding and accreditation. Competition is heightened as it also takes place in a harsh economic climate and, in England and Wales, a particular funding environment. Recent analysis shows that there is a high degree of applications in common between institutions (applicants can apply for multiple institutions simultaneously). Institution-level data for this and other institutions would give some insight to competing institutions on their recruitment and levels of success in their respective recruitment strategies. This would give a competitor an unfair advantage and allow them to alter their “offer making” and recruitment behaviour. The sensitivity of the data in question here is heightened further, moreover, in the context of more granular subject/course-level data for the active cycle. These commercial sensitivities and the nature and likelihood of prejudice are reflected in, and further protected by, competition law in the UK and European Community and competition authorities, which

prohibit the exchange of anticompetitive information. Accordingly, universities and companies must be extremely careful when considering the release of commercially and strategically sensitive information.

While the Freedom of Information Act does not define commercial interests, competition legislation recognises that the exchange or exposure of commercially sensitive information, directly or indirectly, could allow another university to deduce or infer a commercial strategy or could result in non-coordinated anti-competitive effects. Disclosure could thus be used to support anti-competitive behaviour between competing suppliers of courses or give an unfair advantage to another supplier.

An indirect exchange with the University's competitors of information (a) which is not in the public domain and (b) concerns the parameters of competition (in terms of its offering and capacity) and (c) reduce or remove uncertainties inherent in the process of competition, would make it easier for current or potential competitors to predict each other's behaviour and adjust their own behaviours and commercial strategies accordingly, to the disadvantage of others and the detriment of free and fair competition.

The commercial interests of the University would be further undermined if individuals gain an advantage over others in the selection process through up-to-date knowledge of the most recent offer strategies. The University reputation is reliant on recruiting the most qualified applicants possible, via a fair and equitable recruitment process. Further, placing information in the public domain prematurely could lead to misinterpretation and misrepresentation of the data possibly dissuading potential applicants, and/or leading to incorrect assumptions about the nature of the University candidates.

Public Interest Test

As section 43 (2) is a qualified exemption, the University has performed a public interest test and has, on balance, concluded that release of the data would prejudice the commercial interests of the University.

Factors for Disclosure -

- There is a presumption of a public interest in disclosure.
- There is a strong public interest in accountability and the proper scrutiny of the University's actions and decisions as a public authority.
- Public confidence in the proper administration of university business can be served by increasing the transparency of the processes in question.

Factors against disclosure -

- promoting market and consumer transparency while protecting public interests in lawful and open competition;

- the ability of public sector organisations to compete for resources fairly, without undue advantage or prejudice;
- providing consistently presented and timed data, from across the sector (for instance through information resources made available by the sector, such as the UCAS Course Search and the KIS information, which provide more useful information to applicants when considering what courses and providers to apply to);
- having a fair and orderly application process, avoiding detrimental outcomes for applicants, HE providers and students;
- not prejudicing the financial or strategic position of the University (or any organisation). The University operates in a global market and faces growing competition from a range of public, private and online providers of tertiary education and targeted course offerings;
- universities securing, fairly, best value for themselves, their students and stakeholders;
- demonstrating respect for commercial and short-term sensitivities. The consistent release of complete and stable data at an appropriate point, in line with other sector bodies and standard reporting requirements not only avoids unfair competition but prevents applicants and others using data as a proxy for course demand, quality and suitability.

In accordance with the provisions of section 17(4) of the FoIA, this letter acts as a Refusal Notice in respect of the information withheld under section 43(2) above.

Please note information about student demographics of students can be obtained from the database held by the Higher Education Statistics Agency (HESA)(<https://www.hesa.ac.uk/data-and-analysis/students>). Basic information is freely available on the main HESA website, and you can [contact HESA](#) if you require assistance with their Open Data and Official Statistics. If your request is bespoke or includes several elements, you may need to request a tailored dataset. Tailored datasets from the HESA database are provided by [JISC data analytics](#). Please note, data for the last academic year will be published by HESA in line with their publication schedule.