

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 12 June 2025

**Public Authority Address:** The Council of the University of Westminster  
2nd Floor Cavendish House  
101 New Cavendish Street  
London  
W1W 6XH

### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to the budget for staff development for the business school. The University of Westminster ('the University') disclosed information but also withheld information under section 43(2) (commercial interests) of FOIA.
2. The Commissioner's decision is that the University was correct to withhold the information it did.
3. The Commissioner does not require further steps.

### **Request and response**

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4. On 8 November 2024, the complainant wrote to the University and requested information in the following terms:

"Pursuant to the Freedom of Information Act (FOIA), I am writing to request the following information related to the staff development budget and its allocation procedures within the School of Organisations, Economy and Society, Westminster Business School of University of Westminster:

1. Staff Development Budget Overview:

- The total budget allocated to staff development for the last 2 fiscal years and the fiscal year in progress.

- A breakdown of how the staff development budget is allocated within the department, including categories such as training programs, professional development courses, conferences, workshops, certifications, and other development activities.

## 2. Spending Details:

- A detailed record of expenditures related to staff development for the last 2 fiscal years and the fiscal year in progress, specifying amounts spent on:
- External to the School of Organisation, Economy and Society training and professional development.
- External to Westminster University training and professional development including expenditure on:
- Voice coaching training by National Theatre
- Course leaders' development training provided by Keith Hunter
- Wellbeing by Prof Dennise Skinner.
- How to provide impactful and actionable feedback by Dr. Chahna Gonsalves.
- Internal training programs and initiatives.
- Conferences, travel, and accommodation related to professional development.
- Any other expenses categorized under staff development.

## 3. Allocation Procedure:

- Documentation outlining the process for allocating the staff development budget within the School of Organisations, Economy and Society, including:
- Any policies or guidelines that dictate how the funds are to be distributed.
- Criteria used to determine selection of external development providers.
- Criteria used to determine which staff members or programs receive funding.

- The process for staff members to apply for or request development funding.
- The statistics on staff development funding requests and successful applications.
- Information about decision-making authorities involved in the allocation of the staff development budget.”

5. The University responded on 6 December 2024, as follows:

- In response to part 1 of the request, the University disclosed the staff development budget overview, for the business school, for the last three years, alongside how the budget was distributed. It also provided a significant amount of contextual information alongside these figures, including details of innovation funds, research events, other sources of funding and how this money was spent.
  - In response to part 2 of the request, the University disclosed a breakdown of staff development expenditures, for the business school, for the last three years. However, it withheld the information requested for the following specific courses: Voice coaching training by National Theatre, Course leaders’ development training provided by Keith Hunter, Wellbeing by Prof Dennise Skinner and How to provide impactful and actionable feedback by Dr. Chahna Gonsalves, citing section 43(2).
  - In response to part 3 of the request, the University disclosed its development plan and again provided contextual information to explain what criteria it considers when selecting external providers and both the general and the decision making process. It confirmed that it didn’t hold any statistics on staff development funding requests and successful applications.
6. The complainant requested an internal review on 6 December 2024, disputing the University’s application of section 43(2).
7. The University provided the outcome to its internal review on 9 January 2025. It upheld its previous position.

## Scope of the case

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8. The complainant contacted the Commissioner on 9 January 2025 to complain about the University's application of section 43(2).
9. The Commissioner considers that the scope of his investigation is to consider whether the University was correct to do so.

## Reasons for decision

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### Section 43(2) – commercial interests

10. Section 43(2) of FOIA states that information is exempt information if its disclosure would, or would be likely to, prejudice the commercial interests of any person.
11. The Commissioner's guidance states 'A commercial interest relates to a legal person's ability to participate competitively in a commercial activity. The underlying aim will usually be to make a profit. However, it could also be to cover costs or to simply remain solvent.'
12. There is only a small amount of information being withheld under section 43(2), the University's spending on the following courses, for the past three years: Voice coaching training by National Theatre, Course leaders' development training provided by Keith Hunter, Wellbeing by Prof Dennise Skinner and How to provide impactful and actionable feedback by Dr. Chahna Gonsalves.
13. The University has explained to the complainant that:

"The University would be likely to prejudice its ability to negotiate effectively with its current supplier or alternative suppliers if this information was made public."
14. The Commissioner agrees. If the University were to disclose how much it pays for the above courses this would be likely to prejudice both its own commercial interests and that of the course providers. Both parties represent 'legal persons' for the purposes of section 43(2).
15. If the University discloses the amount it has paid for a specific course, if it comes to procure a similar course in the future, a provider will be able to tailor its own offer based on what it knows the University is prepared to pay, rather than offering its most competitive price.
16. Furthermore, disclosure would also be likely to prejudice the commercial interests of the providers themselves. When negotiating with other

organisations in the future, these organisations would be able to base their offer on prior knowledge of what the University paid for the course, thus putting the provider at an unfair advantage.

17. In their complaint to the Commissioner, the complainant expressed concern that:

"The University's response and review do not demonstrate how releasing expenditure figures would cause such harm."

18. The Commissioner disagrees. It's plausible that knowing what the University has spent on these training courses would affect its ability to procure similar courses in the future, and also affect the providers' ability to sell their own services without prejudice.
19. The University is relying on the lower threshold of prejudice, that disclosure would be likely to prejudice commercial interests. The Commissioner agrees, he considers the chance of prejudice more than hypothetical.
20. The University is, first and foremost, a tertiary education provider. However, it's also a business that must be able to operate in commercially competitive environment and obtain value for money for its students. Furthermore, looking at the courses in question, they are transferable outside of an educational setting, which makes the Commissioner even more convinced that there is a real and significant risk to the commercial interests of the providers themselves.
21. He disagrees with the complainant that the University's arguments are 'speculative.' He considers the exemption engaged and, since section 43(2) is a qualified exemption, he'll go onto consider the public interest test.

## **The public interest test**

### **Factors in favour of disclosure**

22. The complainant has cited:

"the public interest in transparency and accountability, particularly in matters involving the expenditure of public funds. The training providers in question include public figures, one of whom is a former police commissioner. As public figures, their involvement in obtaining public funds warrants greater transparency."

23. The Commissioner concurs. There's always a general public interest in transparency, especially when it comes to the spending of public funds.

## **Factors in favour of maintaining the exemption**

24. The University has explained:

"The University would be likely to prejudice its ability to negotiate effectively with its current supplier or alternative suppliers if this information was made public. Whilst the University recognises the need for transparency in its expenditures, it considers that in this case the public interest lies in ensuring the University can continue to get the best commercial agreements it can by not disclosing any contract values including averages or estimates."

25. Again, the University is an educational establishment but also a business and must be allowed to operate as such. Any prejudice to its commercial interests would have a knock on effect on its ability to obtain value for money for development opportunities for its staff, thus compromising the offering of the business school and impacting the students.

## **Balance of the public interest**

26. In this instance, the Commissioner agrees the balance of the public interest lies in maintaining the exemption.

27. The Commissioner doesn't concur with the complainant that the courses in question appear to be provided by 'public figures'. The majority are either provided by National Theatre or academics. One course is provided by a former police commissioner but, in the Commissioner's opinion, this doesn't increase the public interest in the requested information, since that individual is no longer acting in that capacity.

28. The Commissioner does, however, acknowledge that the individuals, or establishments, providing these courses are particularly esteemed. It follows that they will be a draw to the University, specifically the Business School, and so it's worth preserving that.

29. The complainant hasn't put forward any specific public interest arguments about these courses specifically, and why they have singled them out from the other professional development opportunities, to persuade the Commissioner that disclosure is warranted. The Commissioner believes the public interest in the request has been met by the information disclosed, especially given how much contextual information the University has provided to the complainant, in an attempt to help their understanding and satisfy their request.

## **Other matters**

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30. The Commissioner would like to place on record that the University's handling of this request exemplifies good practice. Both in the sheer amount of contextual information it disclosed alongside the other information requested, and its procedural handling of the request. The University's response is a good example of how providing contextual information, even though that hasn't been specifically requested, can help the public better understand the information that has been requested.

## Right of appeal

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31. 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)  
General Regulatory Chamber  
PO Box 11230  
Leicester  
LE1 8FQ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

32. 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.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Alice Gradwell**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**