19 October 2015

Dear [Name]

Freedom of Information Act 2000 – Information request (ref: FOI_15-180)

We have now considered your request of 21 September 2015 for information regarding research retractions and investigations concerning UEA staff. Our response is provided on page 4 of this letter, together with a copy of your original request. We hope this response will meet your requirements.

We note that you have yet to respond to our requests for clarification sent on 01 and 07 October 2015 and, as a consequence, our response is based on our initial reading of your request. As a consequence, we are limiting our response to question 1 to papers that have been fully redacted and therefore have not included any papers for which a corrigendum has been published.

In relation question 2 of your request, we are limiting the scope of the question to investigations of published work by either staff or students, and excluding investigations of unpublished theses. This is based upon your request for “…the titles and journal names of all the studies which were looked into for misconduct/fraud…” as clearly such information would not exist for unpublished student work.

Additionally, it is not possible to provide all the requested information. In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm that the University does not hold records of Postgraduate research investigations conducted prior to 2008. It should also be noted that the Postgraduate Research Service Records Retention Schedule states that records documenting the conduct and results of disciplinary proceedings against individual students are retained for a period of six (6) years from the date of the last action on the case.

It is, finally, not possible to satisfy all elements of your request, and in accordance with section 17 of the Freedom of Information Act 2000 (hereafter ‘FOIA’) this letter acts as a partial Refusal Notice, and I am not obliged to supply all of the requested information. The exemptions are clearly indicated within the attached document and the reasons for exemption are as stated below:

<table>
<thead>
<tr>
<th>Exemption</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>s.40(2), Personal information</td>
<td>Disclosure of information would contravene one of the data protection principles</td>
</tr>
</tbody>
</table>
Section 40(2) exemption explanation

In regards the application of section 40(2), we believe that there are data within the information requested that meet the definition of ‘personal information’ as defined by section 1(1) of the UK Data Protection Act 1998 (hereafter ‘DPA’). Specifically, we believe that the titles of papers of journals relating to research currently under investigation is, in combination with other available information, personal data as defined by the DPA.

In considering a disclosure under FOIA, the University must also take into account that any information released under the Act is considered to be placed in the public domain, through our own website disclosure log or by other means.

We believe that public disclosure of the requested information would breach the first data protection principle under the DPA; namely that information must be fairly and lawfully processed, and that the processing also meets one of a set of conditions specified in Schedule 2 of the Act.

We have followed the Information Commissioner’s guidance in assessing whether it is fair to disclose this information under FOIA, and have considered how any legitimate public interest in this information is balanced against the rights and freedoms of the individual(s) concerned.

We note the requested information is not publicly available. We do not have consent from the individuals concerned to the release of this information. Additionally, there was and is no expectation on the part of either individual that this information would be released into the public domain. At the time of the investigation and subsequently, both the individuals concerned and the University have treated this information as confidential in nature.

Indeed, the University explicitly informs any member of staff or student under investigation that the existence of the investigation, the evidence assembled, and the outcome of the investigation will remain confidential. The only exception to the latter would be, of course, where misconduct was found and a retraction or corrigendum was necessary, or where an external funder or professional body needed to be informed.

Further, University policy in this area, the Procedures for Dealing with Allegations of Misconduct in Research, explicitly states that “…all enquiries (including the formal investigation - if any) shall be conducted on the basis of confidentiality to the strictest extent possible without compromising health and safety or the appropriate and thorough investigation of the allegation of misconduct in research;”

Therefore, we do not believe the release of the article and journal titles in relation to the investigations requested in question 2 is ‘fair’ under the DPA and therefore is barred by s.40(2) of the FOIA.

The Information Commissioner’s guidance (see footnote 1) notes that if a public authority has determined disclosure would not be fair then it must not release the information under FOIA and, that in such circumstances, there is no need to consider the conditions in Schedule 2 of the DPA. We can however confirm that we do not have consent of the data subject for the release of this information, and do not consider public disclosure of the data to be necessary under any of the other conditions listed in Schedule 2.

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2 https://www.uea.ac.uk/documents/251484/3124686/Procedures%2Bfor%2BDealing%2Bwith%2BAllegations%2Bof%2BMisconduct%2Bin%2BResearch.pdf/b50838dc-2517-4039-a0e2-8830c9297c0a
3 Ibid, p.2.
Please note that any material over which UEA has copyright is released on the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information provided.

You have the right of appeal against this response to your request for information. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address.

You must appeal our response within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner’s Office.

You also have a subsequent right of appeal to the Information Commissioner whose contact details can be found on their website.

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

David Palmer
Information Policy and Compliance Manager
University of East Anglia

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4 https://ico.org.uk/Global/contact_us
Response to Freedom of Information Act 2000 request (FOI_15-180)

I wanted to make an FOI request for data about:

- The number of published retractions that have resulted from research conducted at the University of East Anglia from 1st January 2005 till 1st January 2015. Please can you list out all the retractions in these dates with their titles and the journals they were published in?

<table>
<thead>
<tr>
<th>No.</th>
<th>Article Title</th>
<th>Journal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Modelling the Physical States of Aqueous Solution Containing Mixed Organic/Inorganic Electrolytes and Dicarboxylic Acids</td>
<td>International Journal of Technology</td>
</tr>
<tr>
<td>2</td>
<td>Determinants of project success among HIV/AIDS nongovernmental organizations (NGOs) in Rakai, Uganda</td>
<td>International Journal of Health Planning and Management</td>
</tr>
</tbody>
</table>

- The number of investigations into misconduct or fraud that occurred from research conducted at the University of East Anglia from 1st January 2005 till 1st January 2015. Please could you list out all the investigations, the titles and journal names of all the studies which were looked into for misconduct/fraud and the outcomes of those investigations i.e. whether they were found to be guilty of fraud/misconduct or not.

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Publication</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>[Information exempted pursuant to s.40(2), FOIA]</td>
<td>No plagiarism found</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>[Information exempted pursuant to s.40(2), FOIA]</td>
<td>No plagiarism found</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>[Information exempted pursuant to s.40(2), FOIA]</td>
<td>No plagiarism found</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>[Information exempted pursuant to s.40(2), FOIA]</td>
<td>Plagiarism found; No sanction due to mitigating circumstances</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>[Information exempted pursuant to s.40(2), FOIA]</td>
<td>Plagiarism found; No sanction due to mitigating circumstances</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>[Information exempted pursuant to s.40(2), FOIA]</td>
<td>Pending</td>
</tr>
</tbody>
</table>

5 Item 4 is a chapter within a book; item 5 is a paper presented at a conference
6 Item 4 is a book; item 5 is a set of conference proceedings