

**Mr John Gilchrist**  
Freedom of Information Officer

9 May 2019

Ref: FOI/April 2019/ Fiona McIntyre

By email to [fiona.mcintyre@researchresearch.com](mailto:fiona.mcintyre@researchresearch.com)

The Burroughs  
Hendon  
London  
NW4 4BT  
United Kingdom

Tel: +44 (0)20 8411 4061  
e-mail:  
[j.gilchrist@mdx.ac.uk](mailto:j.gilchrist@mdx.ac.uk)  
[www.mdx.ac.uk](http://www.mdx.ac.uk)

Dear Ms McIntyre

Your request for information received on 15 April 2019 has been dealt with under the provisions of the Freedom of Information Act 2000 (FOIA).

You asked:

I am requesting the following information under the Freedom of Information Act 2000. How much money did the university spend on marketing activities related to student recruitment in each of the following years:

- 1) 2013-14
- 2) 2014-15
- 3) 2015-16
- 4) 2016-17
- 5) 2017-18

### **University Response**

The information requested is regarded as competitive data and is not available to our competitors.

Section 44 (1)(a) of the Freedom of Information Act 2000 permits the University to withhold information if its disclosure would be prohibited by law. Due to competition law, under the Competition Act 1998, the University must exercise caution in releasing any information of a strategic nature such that it may constitute an exchange that would infringe competition law by placing it in the public domain where it could potentially be access by other Higher Education Institutions.

Competition law is seen to be infringed if parties do not actually agree on an anticompetitive act but exchange information that would lead competitors to understand how and what benchmarks have been set.

This would include the release of strategic, or strategically useful, information. It is therefore necessary to withhold such information that is not already in the public domain and would include specific information about the University's expenditure in this area of business. Such information

has therefore been withheld because the University believes that its release would breach the Competition Act 1998.

By disclosing the information it would be placed in the public domain where it would be readily accessible to other institutions in the Higher Education sector; thus it could adversely affect the free competition between institutions.

This is an absolute exemption and the University is not required to consider the public interest in the release of this data.

I trust this satisfies your request sufficiently. Under the Freedom of Information Act 2000, you have the right to complain about the University's response to your request for information. If you have such a complaint, you may contact Mr David Maplas, Director of Student Affairs, Middlesex University, Hendon campus, London NW4 4BT, tel: 020 8411 5830, [d.malpas@mdx.ac.uk](mailto:d.malpas@mdx.ac.uk) within 40 days of the date of this letter for a review of the University's decision. If you remain unsatisfied with the outcome of that complaint, you may seek further recourse by lodging an appeal with the Information Commissioner.

Yours sincerely

**John Gilchrist**  
Freedom of Information Officer