



Freedom of Information Request reference [023-048]

1 message

MTRS FOIA <mtrsfoia@manchester.ac.uk>

15 February 2023 at 15:43

To: [REDACTED]

[REDACTED]

Thank you for your request for information received by The University of Manchester on 23 January 2023 which was as follows (numbered for ease):

This FOI request relates to the university's Confucius Institute, in particular to the roles at the Confucius Institute for which individuals are recruited in China (if I understand correctly, that is the Chinese language teachers, and the 'Chinese co-director').

- 1. Are these university roles? Are the rights and privileges of university staff attached to these roles? Are those who occupy these roles staff of the university? Are these individuals employed by the university? Please share any documentation that answers these questions or otherwise defines the legal status of these roles and those who occupy them.***
- 2. Please state whether the university has received legal advice about the legal status of these roles and those who occupy them.***

The University has now considered your request and our response can be found below.

1. The Chinese co-director and Chinese language teachers are given the Visiting Academic status and they enjoy the rights of the University associated with this category of visitors such as use of university email account, access to the University library. They are not employed by the University nor receive any salary or financial remuneration during their stay.
2. We neither confirm nor deny that any information is held in relation to this question by virtue of the listed exemption at Section 42 (2) of the Freedom of Information Act 2000 (FOIA) – Legal professional privilege. This is because whether or not the University has taken advice on a particular issue is generally itself subject to legal advice privilege. Section 42 is a qualified exemption and therefore we must consider the public interest when applying it. Details of this are set out in the public interest test below.

Public Interest Test

Factors in favour of confirming if information is or isn't held

There is always a strong public interest in transparency of university business.

Factors against confirming if information is or isn't held

There is a strong element of public interest built into the privilege itself. The concept of legal professional privilege and the rationale behind the concept (i.e. ensuring frankness between lawyer and client which goes to serve the wider administration of justice etc) is a fundamental requirement of the English legal system.

Balancing test

We have considered the factors above and we don't believe that there is sufficient public interest in confirming whether information is held to outweigh the concept of legal privilege on this occasion. This email serves to act as a refusal notice for this part of your request in accordance with Section 17 (1) of the FOIA.

NB No inference should be taken from this response that the information requested is or isn't held.

If you feel that The University of Manchester has refused access to information to which you are entitled, or has not dealt with your request appropriately under the FOIA, you have a right of appeal.

An appeal in the first instance should be directed to the Information Governance Office at mtrsfoia@manchester.ac.uk. You should include:

- details of your initial request
- any other relevant information

You must make this appeal within 40 working days from receipt of your response. We will not accept appeals received after this date, as per the Freedom of Information Code of Practice, Section 5.3.

The University will deal with your appeal within a reasonable time, and will inform you of the projected time scale on receipt of your complaint. You are also welcome to contact the Information Governance Office with informal questions about the handling of your request.

After The University's internal appeals procedure has been exhausted, you have a further right of appeal to the Information Commissioner's Office. Details of this procedure can be found at www.ico.org.uk.

Kind regards

[Redacted Signature]

[Redacted Name] | Information Governance Office | Directorate of Compliance and Risk
| Professional Services | G7 Christie Building | The University of Manchester | Oxford Road | Manchester | M13 9PL
| www.manchester.ac.uk

Please contact me via Teams or email as I may not be in the office to take your call.

Have you refreshed your **Data Protection & Cyber Security training**? Details of how staff can access the new course, are on the following IGO StaffNet page: <https://www.staffnet.manchester.ac.uk/igo/training-and-support/>

