

Business Assurance
Information
Compliance

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John Lubbock

By email only to: request-977245-4e738559@whatdotheyknow.com

20th July 2023

Dear John Lubbock,

Request for information under the Freedom of Information Act 2000 ("the Act")

Further to your recent request for information held by King's College London, I am writing to confirm that the requested information is held by the university.

Your request

We received your information request on 23rd June 2023 and have treated it as a request for information made under section 1(1) of the Act.

You requested the following information:

I would like to request the details I asked for of your two SLA agreements signed with BGI Genomics - a summary of the nature and purpose of the agreement, and the date it was signed.

I would further like to request the publication of an explanation as to why, having signed an SLA agreement, these did not lead to any work done. As you may be aware, BGI Genomics has been accused of close connections to the Chinese state and of trying to hack NHS data. I would therefore like you to specify whether ethical concerns about the company led to the cancellation of these contracts, or if there was any other reason for it.

Our response

The university engages Section 43(2) ('Prejudice to commercial interests') in withholding this information. This is a qualified exemption and requires the consideration of a public interest test; assessing whether the balance of the public interest favours disclosing the information or maintaining the exemption. In this case we have considered that the public interest favours non-disclosure.

Disclosing commercial information valuable to our competitors would be likely to prejudice the interest of the College in open competition. If the College were either to reveal a summary of our projects and partnerships or the nature of our, or their, delivery, competitors would be likely to use this information to inform and modify their own future collaborative activities and partnerships and so gain a commercial advantage in what is a highly competitive marketplace. Furthermore, to disclose the requested information could harm our ability to negotiate in future partnerships with other organisations. Companies would be likely to lose confidence in King's if they believe such confidential commercial information will be disclosed for this purpose.

King's College recognises the need for transparency; however, this must be balanced against the public interest in allowing the organisation and third parties to protect their commercial information, and not be placed at a disadvantage in the competitive marketplace in which we operate. Section 43(2) is a prejudice-based exemption, and there is a public interest inherent in avoiding the harm specified. In this case, the College considers that the prejudice would be likely to occur. Having considered the above, we are satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosure.

This completes the university's response to your information request.

Your right to complain

If you are unhappy with the service you have received in relation to your information request or feel that it has not been properly handled you have the right to complain or request a review of our decision by contacting the Director of Information Governance & Data Protection Officer within 60 days of the date of this letter.

Further information about our internal complaints procedure is available at the link below:
http://www.kcl.ac.uk/college/policyzone/assets/files/governance_and_legal/Freedom_of_Information_Policy_updated_Oct_%202011.pdf

In the event that you are not content with the outcome of your complaint you may apply to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the internal complaints procedure provided by King's College London.

The Information Commissioner can be contacted at the following address:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Lakeisha Dowsey-Magog
Information Compliance