

John Lubbock
By email: request-976194-283afa76@whatdotheyknow.com

24 October 2023

Dear John Lubbock,

G02706: Freedom of Information Request

I refer to your request for a review dated 25/07/2023 under the Freedom of Information Act 2000 (the "Act"), wherein you requested a review of the University's response to a freedom of information request which you made on 26/04/2023.

Please find below your request for review, with the University's corresponding response.

Question

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of University of Southampton's handling of my FOI request 'University of Southampton and BGI Genomics'.

The university has refused to comply with my request for details about the contracts held with BGI Genomics, a controversial Chinese genomics company who have been accused of trying to hack into Genomics England. I have sent the same FOI request to dozens of universities to find out which have contracts with BGI, and the only university to refuse me - citing commercial confidentiality - has been Southampton. The refusal clearly shows that the university has contracts with the firm, but is refusing to list them. This shows a lack of transparency by Southampton, and a refusal to comply with the Freedom of Information Act. There can be no commercial confidential information associated with describing in general terms what a research contract is for. This is quite obviously an excuse to not release this information, and thus I am requesting an internal review, and will take this to the ICO if I have to.

Answer

Upon further review of the matter, we have identified that the Section 43(2) exemption (commercial interests) was initially misapplied. We understand the importance of transparency and your right to access this information under the Freedom of Information Act 2000, and we are committed to

fulfilling our obligations in this regard. In light of the this, we will be upholding your request for an internal review.

We have no contracts with BGI Genomics or MGI Tech. However, we have historical contracts with BGI Tech Solutions (Hong Kong) Co., Limited which is part of the wider BGI group but does not appear to have any direct links to the companies you mentioned in your request. The historical research agreements are:

- UoS (University of Southampton) and BGI Tech Solutions (Hong Kong) Co, Ltd. - Southampton sent cell samples to BGI for the for the subcontracted service of single cell exome sequencing. The contract went into effect on Dec 19, 2013, and the activity was expected to take 9 weeks from delivery of the samples, end of February 2014.
- UoS and BGI Tech Solutions (Hong Kong) Co., Ltd., - Soton sent BGI cell samples to BGI for single cell separation and amplification. The contract was effective May 24, 2017, and the work was scheduled for 40 working days (or two months (+/-) and was due to be completed by end of July 2017.

Therefore, the outcome is that your internal review is upheld. The application of the originally advised exemption was incorrect. It is appropriate after review of the original decision that your request is processed and you are provided with a response. I must emphasise that we have no contracts with the companies specified in your original request but in the interest of transparency, we have provided what we believe may be information related to your request.

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner in writing (FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF) or electronically for a decision whether, in any specified respect, your request for information has been dealt with by the University in accordance with the requirements of Part I of the Act.

Yours sincerely,

Lenny Emanuel

Information Governance and Compliance Officer

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