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Request for review of decision by Napier University

David Colquhoun

In your letter of 8th October you refused to release any of the information that I requested. This refusal flies in the face of the recent moves to make all or most teaching material available to the public (please note that I asked only for a small sample) as described for example, in Times Higher Education recently

<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=408300&c=2>

I consider both of the grounds on which this refusal was carried out to be invalid. I'm pleased to see that your appeal letter starts by saying that Napier is committed

"to fostering a culture of openness and transparency "

I must say that this spirit does not seem to be apparent so far, in your first response to requests for a small sample of teaching material.

Commercial Interest. It has already been ruled, in great detail, by the Information commissioner for England that this exemption does not apply for requests of the sort that I made, There is no reason to think that the Scottish Information commissioner will interpret the law differently, In the light of the existing decision I regard your claiming of this exemption as no more than delaying tactics on your part..

Public interest. You claim

"That is, the potential release of the information must be in the interests of the public and not merely of individual interest. The public interest in the disclosure of the information requested is slight."

Exactly on the contrary, the public interest could hardly be higher. There is, at the moment, a public consultation in progress by the Department of Health. The consultation is about the question of whether or not Herbal Medicine should be granted recognition in the form of statutory regulation. If this were to happen it would be a major change in the law, Knowing what is taught to students of herbal medicine

is information that is essential for that decision to be made sensibly. It hard to imagine any time when the public interest has been greater in knowing about the sort of things that herbalists are taught.

You point about e very competitive environment is irrelevant to the application of the law regarding Freedom of Information. (In any case, the environment is not as competitive as it was because several universities have now closed courses in alternative medicine, having been persuaded that degrees in pseudo-science do not reflect well on the university).

In summary, I regard both of your reasons for avoiding the provisions of the FoIA to be so obviously invalid that I can regard them only as an attempt to delay the inevitable release for the information. In these circumstances the university will need to balance the adverse publicity it gains from refusing to reveal what it teaches, against the temporary delay in its release.

I shall of course, be using your refusal to release information about what you teach in my evidence to the Department of Health, to demonstrate that Herbalists are secretive and hence far too irresponsible to gain statutory regulation.

Yours faithfully



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