



Professor D Colquhoun FRS  
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07 October 2009

Dear Prof Colquhoun,

### **Request for Information**

I refer to your email of 8<sup>th</sup> September 2009 in which you requested copies of lecture note/handouts and powerpoint slides for the following small sample of lectures:

#### **HRB09102 Materia Medica 4**

- *Zinger officinalis, Eleutherococcus senticosus, Valeriana officinalis*
- *Gelsemium sempervirens, Cimicifuga racemosa, Datura starmonium, Piscidia erythrina*
- *Betula pendula, Capsella bursa-pstoris, Ephedra sinica, Solidago virgaurea*

#### **HRB08103 Materia Medica 3**

- Cardiovascular system
- Nervous system

#### **HRB09104 Clinical Medicine and Diagnosis 4**

- Neuro-sensory deficits, paraesthesiae, head pain

#### **HRB09100 Materia medica and herbal practice**

- Week 7: Compiling a therapeutic plan and prescription building

#### **HRB07102 BSc Herbal medicine: material medica**

- Week 3 History of Herbal Medicine gothean tasting session
- Week 10: energetic the basic concepts Ayurveda

Section 1 of the Act sets out the right of any person requesting information from a Scottish Public Authority, such as Edinburgh Napier University, but this general right is



subject to a number of exemptions. After careful consideration and having applied both the “harm test” and the “public interest test” the University has reached the conclusion that the requested teaching materials should not be disclosed. That is, we consider it is not in the interests of the public for the requested information to be disclosed.

### **Section 33(1)(b) Commercial interests and the economy**

Under FOISA, information is exempt from disclosure under section 33(1)(b) if the release of the information would, or would be likely to, prejudice substantially the commercial interests of any person (including the University).

The exemptions in section 33 are qualified exemptions and are therefore subject to the public interest test. I have considered the applicability of the public interest by determining whether, in all the circumstances of the case, the public interest in disclosing the information to you outweighs that in maintaining the exemption. The view of the Office of the Scottish Information Commissioner (OSIC) in its advice on the application of the “public interest test” is that the public interest should not be interpreted as “of interest to the public”. 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.

The University operates in a very competitive environment and the public interest is in ensuring the continued success of the University. We recognise that learners have a choice and opt to study at the University because of the quality of courses and teaching we provide. The disclosure of the requested information would be likely to be detrimental to the public interest as by releasing course material, for which students currently pay fees to receive, could potentially put at risk our position in a number of valuable income streams.

The University therefore concludes that the “public interest test”, as required when applying section 33 of FOISA is met as the disclosure of the information requested would cause real and significant substantial prejudice to the commercial interests of the University. The public interest in withholding the information is greater than the public interest in its release. The University therefore concludes that the public interest is in withholding the requested information and consequently under section 33(1)(b) applies.

### **Your right to request a review under FOISA**

If you are not happy with the way the University has dealt with your request for information, you have a right under FOISA to request a review of this decision. If you wish to exercise this right, you must write to the University to request a review within



forty working days of receipt of this decision. Your request for a review must be in writing and you must specify your name and address for correspondence. You must also identify the decision that you wish reviewed. Should you wish to request a review, please address your request to the Governance Officer (Records Manager), Room 642, Governance and Management Services, New Craig, Craighouse Campus, Edinburgh Napier University, Edinburgh EH12 5HD, or email: [j.timlin@napier.ac.uk](mailto:j.timlin@napier.ac.uk). Your review will be undertaken by staff not involved in the original decision making process.

If you are dissatisfied with the outcome of a review, you have a right under the FOISA to appeal to the Scottish Information Commissioner. If you wish to do so, you must appeal to the Commissioner within six months following the date of receipt of the review notice. The Commissioner's contact details are as follows:

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)  
Tel: 01334 464610

Yours sincerely

Jacqueline Timlin  
Records Manager