

## RE: request under the Freedom of Information Act

Von: **Atkinson, Colin** (ca46@leicester.ac.uk)  
Gesendet: Dienstag, 30. März 2010 16:00:48  
An: 'kevin galalae ' (kgalalae@hotmail.com)

Dear Mr. Galalae,

I write regarding your emails below in which you seek a review of the response to your Freedom of Information request provided by Geoff Hamp on 3rd March 2010 and request further information.

Having reviewed the relevant correspondence I am in agreement with Mr. Hamp's application of the legislation. You are requesting the provision of third party personal data which is exempt from release under the Freedom of Information Act 2000 by virtue of Section 40(2)(3)(a)(i):

### **40. Personal information**

*(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.*

*(2) Any information to which a request for information relates is also exempt information if—*

*(a) it constitutes personal data which do not fall within subsection (1), and  
(b) either the first or the second condition below is satisfied.*

*(3) The first condition is—*

*(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the [1998 c. 29.] Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—*

*(i) any of the data protection principles*

By providing you with the personal data that you have requested the University would breach the first data protection principle contained in the UK Data Protection Act 1998. Therefore, this information is exempt from release under Section 40 of the Freedom of Information Act 2000 as outlined above.

Please be assured that the University applies the legislation evenly and treats all personal data it holds in the same way. This includes your own personal data which would not be disclosed to third parties in this way.

If you are dissatisfied with this response then you have the right to submit a formal complaint to the University which will be treated according to its Freedom of Information Code of Practice. Please let me know in writing (email will suffice) if you wish to pursue this option.

It is your legal right under Section 50 of the Freedom of Information Act 2000, to apply to the Information Commissioner for a decision whether a request for information made to the University has been dealt with in accordance with the provisions of the Act. It should be noted that there is a requirement that there will be no undue delay in making the application and there is an expectation that the complainant will have exhausted the University's local complaints procedure.

Complaints to the Information Commissioner should be addressed to:

FOI Compliance Team (Complaints)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

In your emails dated 3 March 2010 and 18 March 2010 you also requested the following further information:

1. ... to preserve the privacy of the individuals about to be named, I only request that you identify those who are on the university's payroll and that you only name their job titles. The individuals who have participated in the MA programme's first module are: Sean Lawrence, Ali Al Mathkooor, Lory Madonna, Ekim Bireroglu, Sheldon Richardson, Carla Liuzzo, Pawel Wojtas, Liva Rabarihoela, and myself, Kevin Galalae. Please identify which of these students are also on Leicester University's payroll and the positions for which they are being paid.
2. The individuals who have participated in the MA programme's first module are: Sean Lawrence, Ali Al Mathkooor, Lory Madonna, Ekim Bireroglu, Sheldon Richardson, Carla Liuzzo, Pawel Wojtas, Liva Rabarihoela, and myself, Kevin Galalae. Please identify which of these students are also on Leicester University's payroll or are working for an entity, governmental or private, to conduct surveillance on their fellow students. Please also identify the positions for which they are being paid.
3. How many covert agents who masquerade as students perform duties or functions other than those of genuine students on behalf of Leicester University or another entity, governmental or private, with Leicester's knowledge and/or tacit or implicit consent, while participating in programmes or courses at Leicester University.
4. How many of its courses and programmes are subjected to a surveillance program by Leicester University or by another entity, governmental or private, with Leicester's knowledge and/or tacit or implicit consent, and what is the program's name, purpose, mandate and duration?

For clarity, please note that I am processing this request as a new request for information under the terms of the Freedom of Information legislation and separate from your original request.

With respect to the information requested in 1. above the University must refuse your request for the disclosure of data relating to the personal information of the individuals named. The personal information of the named individuals is

exempt from access under Section 40(2)(3)(a) of the Freedom of Information Act 2000. Additionally as this an absolute exemption (as defined by the Freedom of Information Act 2000) the University is not required to apply the Public Interest Test.

Having reviewed the information requested in 2., 3. and 4. above, and considered all relevant issues I am providing you with this refusal notice under the provisions of Section 17(4) of the Freedom of Information Act 2000.

The University of Leicester neither confirms nor denies that it holds any of the information requested. To give a statement of the reasons why neither confirming nor denying is appropriate in this case could itself involve the disclosure of exempt information. To the extent that Section 23(3) Information supplied by, or relating to, bodies dealing with security matters; Section 24(2) National security; Section 31(3) Law enforcement; and Section 38(2) Health and safety of the Act apply, the University of Leicester has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to either confirm or deny outweighs the public interest in confirming whether or not information is held.

On occasion it may be necessary for relevant agencies to work in partnership with other organisations and agencies on matters of national security and law enforcement, and in order to combat such very serious issues as terrorism and organised crime. To avoid adversely affecting such activities it is a consistent University policy neither to confirm nor deny that the University holds such information by virtue of the relevant exemptions.

Please note that this should not be taken as confirmation or denial that the University of Leicester does or does not hold the information requested.

This completes the University of Leicester's response to your Freedom of Information request. If you are [dissatisfied](#) with this response then you have the right to submit a formal complaint to the University which will be treated according to its Freedom of Information Code of Practice. Please let me know in writing (email will suffice) if you wish to pursue this option.

It is your legal right under Section 50 of the Freedom of Information Act, to apply to the Information Commissioner for a decision whether a request for information made to the University has been dealt with in accordance with the provisions of the Act. It should be noted that there is a requirement that there will be no undue delay in making the application and there is an expectation that the complainant will have exhausted the University's local complaints procedure.

Complaints to the Information Commissioner should be addressed to:

FOI Compliance Team (Complaints)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Regards,

Colin Atkinson

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Colin Atkinson  
Data Protection and Freedom of Information Officer,  
University of Leicester,  
University Road, Leicester LE1 7RH,  
Tel. 0116 229 7956, Fax. 0116 252 5169,  
<mailto:ca46@leicester.ac.uk>

Times Higher Education University of the Year 2008/09

-----Original Message-----

From: kevin galalae [<mailto:kgalalae@hotmail.com>]

Sent: 18 March 2010 16:25

To: Atkinson Colin

Subject: Re: request under the Freedom of Information Act

Thank you for acknowledging my email, Mr. Atkinson. I look forward to hearing from you.

Regards,

Kevin Galalae  
Sent on the TELUS Mobility network with BlackBerry

-----Original Message-----

From: Atkinson Colin <[ca46@leicester.ac.uk](mailto:ca46@leicester.ac.uk)>

Date: Thu, 18 Mar 2010 16:04:22

To: <[kgalalae@hotmail.com](mailto:kgalalae@hotmail.com)>

Subject: RE: request under the Freedom of Information Act

Dear Mr Galalae,

Further to my email to you dated 8 March and in response to your recent emails I can confirm that I am still in the process of reviewing the response you received to your request and will reply to you shortly.

Regards,

Colin Atkinson

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Colin Atkinson  
Data Protection and Freedom of Information Officer,  
University of Leicester,  
University Road, Leicester LE1 7RH,

Tel. 0116 229 7956, Fax. 0116 252 5169,  
mailto:ca46@leicester.ac.uk <mailto:ca46@leicester.ac.uk>  
Times Higher Education University of the Year 2008/09

From: kevin galalae [mailto:kgalalae@hotmail.com]  
Sent: 18 March 2010 12:56  
To: Colin Atkinson (Leicester Information Officer)  
Subject: FW: request under the Freedom of Information Act

Dear Mr. Atkinson,

Since you seem to have disappeared off the face of this earth along with my request for information under the Freedom of Information Act, I am now reiterating my request along with the insistence that this time it is treated as a formal request.

FORMAL REQUEST:

Dear Mr. Atkinson,

I have recently made requests for information under the Freedom of Information Act 2000 regarding the employment status of Carla Liuzzo, Sean Lawrence and Nick Wright.

Information however was withheld since the data I have requested is "exempt from access under Section 40(2)(3)(a) of the Freedom of Information Act", which is "an absolute exemption".

Mr. Geoff Hamp, who processed my request, suggested that I turn to you should I be dissatisfied with the answer. Let me explain why this is the case.

Currently, Leicester University's Department of Politics and International Relations and I are involved in a dispute that is being adjudicated at various levels. It is my contention that the Department is involved in a covert surveillance program of the International Relations and World Order MA programme's online courses and I have evidence to suggest that Mrs. Carla Liuzzo is employed by the university and/or other organization to carry out duties that fall outside her declared participation in the programme as a student only. If this is indeed the case, then the most fundamental principles of the Data Protection Act - which your colleague, Mr. Geoff Hamp, is protecting by withholding me access to the employment status of the individuals I have requested information about - are being violated with impunity by the university, as are various privacy laws, human rights laws, and commercial laws related to false advertisement, to name but a few.

In addition, withholding information that allows me to determine if Leicester's various officials have lied about the true identity of Carla Liuzzo in order to gain unfair advantage in the resolution of my case or in order to obstruct justice, prejudices the entire adjudication system and constitutes, in light of the university's insistence that Carla Liuzzo is only a regular student, a criminal act of perjury and a debasement of the public record.

To get to the bottom of this, I am now reiterating my request for access to information under the Freedom of Information Act 2000. I request that you identify those who are on the university's payroll or who are paid by other entities to spy on or covertly monitor their fellow students while masquerading as students themselves, and who do so with Leicester University's knowledge and/or tacit or implicit consent.

The individuals who have participated in the MA programme's first module are: Sean Lawrence, Ali Al Mathkooor, Lory Madonna, Ekim Bireroglu, Sheldon Richardson, Carla Liuzzo, Pawel Wojtas, Liva Rabarihoela, and myself, Kevin Galalae. Please identify which of these students are also on Leicester University's payroll or are working for an entity, governmental or private, to conduct surveillance on their fellow students. Please also identify the positions for which they are being paid.

Leicester University being a public institution, I see no reason why your office should withhold this most basic information from the public's scrutiny, especially since access to this information is crucial in the pursuit of justice and withholding it prejudices the entire conflict resolution system as well as the Data Protection Act that you are entrusted to safeguard.

Further to that, I wish to know how many covert agents who masquerade as students perform duties or functions other than those of genuine students on behalf of Leicester University or another entity, governmental or private, with Leicester's knowledge and/or tacit or implicit consent, while participating in programmes or courses at Leicester University.

This is the time for Leicester to reveal how many of its courses and programmes are subjected to a surveillance program by Leicester University or by another entity, governmental or private, with Leicester's knowledge and/or tacit or implicit consent, and what is the program's name, purpose, mandate and duration?

I eagerly await your answer.

Sincerely,

Kevin Galalae

I hope that this request will not be shut down as easily as my previous request and that you come out of hiding and fulfill the duties of your office. Sooner or later, this letter too will become part of the public record and will be presented as evidence in a court of law. At that point, your behaviour will be scrutinised accordingly. I therefore urge you to act consistent with the duties of your office.

I also insist that you acknowledge receipt of this email and that you explain why my previous request, which you have chosen to deal with as an informal request, has not been resolved. You should also explain why you have ceased communication.

Sincerely,

Kevin Galalae

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From: kgalalae@hotmail.com  
To: ca46@leicester.ac.uk  
Subject: FW: request under the Freedom of Information Act  
Date: Tue, 16 Mar 2010 18:31:39 +0100

Dear Mr. Atkinson,

Since you have not acknowledged the email I sent you yesterday, I am reiterating my question as to when I can expect an answer from Leicester.

I warn the university that withholding information about a covert surveillance program that I already know exists and have evidence to prove that it exists will place Leicester in even greater conflict with the law and will only worsen Leicester's already difficult legal position. I also wish to let the university know that I have contacted Mr. Alex Allen, Chairman of the Joint Intelligence Committee, to inform him about my knowledge of Leicester's involvement in the government's covert surveillance programme and that "should the JIC choose to stonewall my pursuit of justice... I will take my grievances, knowledge and evidence to the international media and to transnational human rights organizations and will eventually seek justice in a court of law and in the open court of public opinion."

To hide a programme that has already been exposed would be a foolhardy act by the university and one that will come to bankrupt it in legal fees due to a flood of lawsuits. I advise the university's administrators to reveal the truth now if they want to save Leicester from dire repercussions later.

I look forward to hearing from you.

Sincerely,

Kevin Galalae

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From: kgalalae@hotmail.com  
To: ca46@leicester.ac.uk

Subject: FW: request under the Freedom of Information Act  
Date: Mon, 15 Mar 2010 15:07:24 +0100

Dear Mr. Atkinson,

A week has passed since you have acknowledged receipt of my request and promised to discuss the matter with the relevant University offices. Since time is of the essence, I would like to know when I can expect an answer.

I look forward to hearing from you.

Sincerely,

Kevin Galalae

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From: ca46@leicester.ac.uk  
To: kgalalae@hotmail.com  
Date: Mon, 8 Mar 2010 15:59:56 +0000  
Subject: RE: request under the Freedom of Information Act

Dear Mr Galalae,

I write to acknowledge receipt of your email below, dated 3rd March 2010, in which you raise concerns regarding the University of Leicester's response to your Freedom of Information request of 1st March 2010.

I propose in the first instance to treat your concerns as an informal complaint in accordance with the complaints procedure as set out in the University's Freedom of Information Code of Practice. As such I will be discussing the matter with the relevant University offices and will review the handling of your request. I shall provide you with a response as soon as possible.

Upon completion of the informal review if the matter should remain unresolved I will advise you of the formal complaints procedure.

Regards,

Colin Atkinson

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Colin Atkinson  
Data Protection and Freedom of Information Officer,  
University of Leicester,  
University Road, Leicester LE1 7RH,  
Tel. 0116 229 7956, Fax. 0116 252 5169,



mailto:ca46@leicester.ac.uk <mailto:ca46@leicester.ac.uk>  
Times Higher Education University of the Year 2008/09

From: kevin galalae [mailto:kgalalae@hotmail.com]  
Sent: 03 March 2010 12:40  
To: ca46@leicester.ac.uk  
Cc: gkh@leicester.ac.uk  
Subject: FW: request under the Freedom of Information Act

Dear Mr. Atkinson,

I have recently made requests for information under the Freedom of Information Act 2000 regarding the employment status of Carla Liuzzo, Sean Lawrence and Nick Wright.

Information however was withheld since the data I have requested is "exempt from access under Section 40(2)(3)(a) of the Freedom of Information Act", which is "an absolute exemption".

Mr. Geoff Hamp, who processed my request, suggested that I turn to you should I be dissatisfied with the answer. Let me explain why this is the case.

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In addition, withholding information that allows me to determine if Leicester's various officials have lied about the true identity of Carla Liuzzo in order to gain unfair advantage in the resolution of my case or in order to obstruct justice, prejudices the entire adjudication system and constitutes, in light of the university's insistence that Carla Liuzzo is only a regular student, a criminal act of perjury and a debasement of the public record.

To get to the bottom of this, I am now reiterating my request for access to information under the Freedom of Information Act 2000. And to preserve the privacy of the individuals about to be named, I only request that you identify those who are on the university's payroll and that you only name their job titles.

The individuals who have participated in the MA programme's first module are: Sean Lawrence, Ali Al Mathkooor, Lory Madonna, Ekim Bireroglu, Sheldon Richardson, Carla Liuzzo, Pawel Wojtas, Liva Rabarihoela, and myself, Kevin Galalae. Please

identify which of these students are also on Leicester University's payroll and the positions for which they are being paid.

Leicester University being a public institution, I see no reason why your office should withhold this most basic information from the public's scrutiny, especially since access to this information is crucial in the pursuit of justice and withholding it prejudices the entire conflict resolution system as well as the Data Protection Act that you are entrusted to safeguard.

I eagerly await your answer.

Sincerely,

Kevin Galalae

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From: gkh@leicester.ac.uk  
To: kgalalae@hotmail.com  
Date: Wed, 3 Mar 2010 09:21:26 +0000  
Subject: RE: request under the Freedom of Information Act

Dear Mr Galalae

I write in response to your request below dated 1 March 2010, made under the provisions of the UK Freedom of Information Act 2000 (FOIA).

On behalf of the University I must refuse your request for the disclosure of data relating to the personal information of the individuals named. The personal information of Mr. Nick Wright and Mr. Sean Lawrence is exempt from access under Section 40(2)(3)(a) of the Freedom of Information Act . Additionally as this an absolute exemption (as defined by FOIA) the University is not required to apply the Public Interest Test.

This completes the University of Leicester's response to your Freedom of Information request. If you have any concerns or wish to complain about any aspect of this response then in the first instance please contact the University's Freedom of Information Officer (Mr Colin Atkinson: 0116 252 2412, ca46@le.ac.uk <mailto:ca46@le.ac.uk> ).

It is your legal right under Section 50 of the Freedom of Information Act, to apply to the Information Commissioner for a decision whether a request for information made to the University has been dealt with in accordance with the provisions of the Act. It should be noted that there is a requirement that there will be no undue delay in making the application and there is an expectation that the complainant will have exhausted the University's local complaints procedure.

Complaints to the Information Commissioner should be addressed to:

FOI Compliance Team (Complaints)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Regards  
Geoff Hamp

=====  
Geoff Hamp  
Information Security Manager  
IT Services  
University of Leicester  
University Road  
Leicester LE1 7RH  
Tel : 0116 229 7945  
Fax : 0116 229 7811  
E-Mail : gkh@leicester.ac.uk

University of Leicester - Times Higher Education Award for Outstanding Student  
Support 2009-10  
University of Leicester - Times Higher Education University of the Year 2008-9

From: kevin galalae [mailto:kgalalae@hotmail.com]  
Sent: 01 March 2010 16:22  
To: freedomofinformation@leicester.ac.uk  
Subject: request under the Freedom of Information Act

To whom it may concern,

I hereby request information under the Freedom of Information Act 2000 regarding the employment status (i.e. position, title and pay) of Mr. Nick Wright, who is employed by the Department of Politics and International Relations at Leicester University, and of Mr. Sean Lawrence, who may also be employed by the Department of Politics and International Relations at Leicester University.

My name is Kevin Galalae and I live at 258 Bicknell Cr. Kingston, Ontario, K7M 4T6, Canada. I can be reached by email at: kgalalae@hotmail.com <mailto:kgalalae@hotmail.com> or by phone at (613) 888-8268.

Sincerely,

Kevin Galalae