



Response to Request for Information

Reference FOI 0216105
Date 19 February 2016

Fleet Management

Request:

In reference to FOI request, 111520, as there are different suppliers can you split the contracts please for annual spend and descriptions?

In respect of the information identifying split on annual spend for different suppliers this has been withheld.

The information that you requested has been withheld due to it being confidential and commercially sensitive, at this time, we should explain that in considering requests for information under the Freedom of Information Act 2000, a public authority may decide that the information requested is exempt from disclosure. This, in turn, may require the public authority to apply a public interest test to ensure it is satisfied that the public interest in withholding the information is greater than the public interest in disclosing it.

The Council considers that the information you have requested, which we have identified above, is exempt from disclosure under Section 43 of the Freedom of Information Act. Section 43 of the Act permits the Council to withhold information if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding it.

We should explain that Section 43 of the Freedom of Information Act 2000 permits the Council to withhold information if its disclosure would, or would be likely to, prejudice the commercial interest of any person, including the Public Authority holding it. The Council considers that to disclose the information you have requested, at this stage, would prejudice the commercial interests of the parties concerned and this information is therefore exempt from disclosure under section 43 of the Act. This information is commercially sensitive to the tenderers and it is important to their competitiveness that they are able to remain as a participant in the market. With regards to the Council's commercial interest, if the Council disclosed this type of information it would adversely affect our ability to source suppliers in a competitive environment.

Where the Council decides that the information requested is exempt from disclosure under section 43 of the Freedom of Information Act, it must then apply what is known as a "public interest test". This requires the Council to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing information.

In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure. When considering factors which would favour disclosing the information, the Council had to assess whether disclosure of the information would:

- Allow for more informed debate on the issue;
- Promote accountability and transparency for our decisions and in our spending of public money; and
- Assist the public to understand and challenge our decisions.

Against these considerations the Council had to balance the likelihood of disclosure having an adverse effect on the commercial interest of the tenderers concerned and the Council itself.

Having taken into account the arguments for and against disclosure, the Council decided that the public interest in this case is best served by maintaining the exemption and by not disclosing the information requested, at this stage. The Council considers that the possible benefits of disclosure are outweighed by the real risk of causing prejudice to the commercial interests of the tenderers concerned and the Council itself. In this case there is an overriding public interest in ensuring that companies are able to compete fairly and in ensuring there is competition for public sector contracts.