

Public Interest Test – 11633/19

Applicable Exemptions:

Section 43(2) – Commercial interests

Harm

Disclosure of the unit costs is commercially sensitive, as divulging the pricing model of the supplier is likely to cause financial loss to that organisation. Revealing this information may give competitors an advantage in future tendering processes which would be unfair to the provider of the service. This would undermine the integrity and effectiveness of the tendering process as it may dissuade organisations from submitting tenders or encourage those who do, to compete on price rather than quality. This would reduce the quality of services/products available to the public and for West Midlands Police.

Factors Favouring Disclosure

There is a clear public interest in ensuring that public authorities are retrieving a fair price and value for money from the supplier of these services, particularly as it involves the public's money. The public has a right to ensure that their money is being spent appropriately, and with the increased scrutiny of Police finances and budget cuts, it is important that WMP provide a greater transparency with regard to financial affairs. The Force should be held accountable for any financial decisions that are made.

Factors Favouring Non-Disclosure

Disclosure would be likely to prejudice the commercial interests of the company involved and affect future procurement for the Force as the information is of a commercially sensitive nature. Disclosure is also likely to damage the relationship between West Midlands Police and the supplier involved. This may in the future reduce the number of companies tendering, therefore, reducing the opportunities to purchase the best services from suppliers. Releasing the specific unit costs would be a competitive advantage for other companies. WMP has a bespoke rate for these services and making these available would provide competitors with an advantage for future work. The agreed rate cards that were market tested and approved as representing best value. We do not want to encourage companies to compete solely on price to the detriment of the quality of the service offered. Disclosure of the pricing schedule and the approach taken to these type of projects may cause a breach of the confidence surrounding the current contracts and would similarly prejudice the provider's commercial interest.

Balancing Test

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The 'public interest' is not what interests the public, or a particular individual, but what will be the greater good, if released to the public as a whole.

Though there is a public interest in disclosing the cost of services charged to West Midlands Police, on balance it is considered that the public interest lies in not disclosing the information. This is due to the harm that disclosure would cause to the organisation in question and to any future tendering processes.

The Force's primary consideration is to maintain the quality of the service provided, rather than encourage a situation whereby companies are competing solely on price. The high quality of service provided is evidently in the interest of the public as a whole.