

## **Public Interest Test – 13423/19**

### Applicable exemptions:

Section 43(2) – Commercial interests

### **Harm**

Disclosure of the successful ITT submissions is commercially sensitive, as divulging the details of this 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 receiving a fair price and value for money from the supplier of these services. As it is the public's money, they have the right to ensure that it is being spent appropriately. This is particularly the case at this time as Police finances are coming under increased scrutiny with budget reductions. It is important that WMP are held accountable for any financial decisions that are made.

Disclosing information about how we spend the public's money and contracts we use would provide a greater transparency in the financial affairs of West Midlands Police. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

### **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 (WMP) and the suppliers involved. This may in the future reduce the number of companies tendering, and consequently reduce the opportunities to purchase the best services from suppliers.

Releasing the ITT submissions would be a competitive advantage for other companies. There are numerous potential suppliers for some of the products and services. A contractor would have a weakened position in a competitive environment, if market sensitive information were released or information of potential usefulness to its competitors were to be likewise released. The Force does not want to encourage companies to compete solely on price to the detriment of the quality of the service offered.

**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 community as a whole.

The issues supporting disclosure have been considered however, on balance, it is considered that the public interest lies in not disclosing the information. This is due to the harm it would cause to the organisations in question and to any future tendering processes.

WMP want to maintain the quality of the service provided, rather than encourage a situation where companies are competing solely on price. The high quality of service provided is evidently in the interest of the wider public.