

Section 43 (2) - Commercial Interests

Harm

Disclosure of the annual page volumes 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. It is after all the public's money and they have the right to ensure that their money is being spent appropriately. This is particularly the case at this time as Police finances are coming under increased scrutiny as budgets are reduced. It is important that we 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 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 pricing schedule would be a competitive advantage for other companies. We have a bespoke rate for these services and making these available would provide competitors with an advantage for future work. We do 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 organisation in question and to any future tendering processes. We 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 obviously in the interest of the wider public.