

Harm

Disclosure of the pricing schedule 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 / services. 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 service / services 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 from the supplier of these services. Police finances are coming under increased scrutiny as budgets are reduced. It is important that WMP are held accountable for any financial decisions that are made.

Disclosing information about budgets and contracts 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 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.

Disclosure of the pricing schedule may cause a breach of the contract surrounding the current contracts. Although not sufficient at present for the confidential information exemptions to be engaged, there is still risk that disclosure could leave an authority at risk of civil proceedings.

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 in any future tendering processes, and current contract clauses.

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 obviously in the interest of the wider public.