

Public Interest Test

Exemptions

Section 43- Commercial Interests

Section 38 – Health and Safety

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 current supplier. 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 quantity / quality of products available to the public and for West Midlands Police.

Although officers are within a public facing role within the community and deal with incidents of varying degrees of risk, it is the responsibility of the force to take reasonable measures to protect the health, safety and wellbeing of its officers.

Section 43 - 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.

Section 38 - Factors Favouring Disclosure

This information could go some way towards reassuring the public that the West Midlands Police Force is adequately prepared in all areas and have the right equipment to do the job they are trained to do.

Section 43 - 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. We do not want to encourage companies to compete solely on price to the detriment of the quantity / quality of the products offered.

Disclosure of the pricing schedule may cause a breach of the confidence 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.

Section 38 - Factors Favouring Non- Disclosure

Putting Individual officers at risk as it would be widely known what protection / equipment they have could lead to certain officers being targeted, which poses a risk to officer's safety.

Although officers are within a public facing role within the community and deal with incidents of varying degrees of risk, it is the responsibility of the force to take reasonable measures to protect the health, safety and wellbeing of its officers.

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.

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.

In addition, we recognise that the public interest in being open and transparent is of great importance to all and release of information may assist in the public being more aware of the work that the police are carrying out. However, while the public interest considerations favouring disclosure are noted, this must be balanced with the impact any release would have on the operational capability tactical approach of the police and the health and safety of these individuals.