

## REQUEST

We write further to your letter of 8 May 2018. We maintain the use of the original lettering. For the avoidance of doubt, where we do not raise a specific response to any of your answers, this does not constitute acceptance of it.

(g) As part of this request, we asked for the underlying documentation from which the oral advice given to SL by Mathew Punshon was based (see our letter dated 3 May 2018), however, you have not provided this. Please now provide these documents.

In addition, in relation to the figures set out in your answer to (g), please clarify whether these were figures had been the subject of prior consideration (and if so, please provide further information and/or documentation which evidences that consideration) or were they estimated figures?

(o) Please clarify whether at the meetings held in the other London Boroughs, the financial information contained in the Engagement Information Packs was revealed, as happened at Merton?

We fail to understand why you are refusing to provide the Engagement Information Packs which clearly fall within your client's duty of candour and ask you to reconsider your position. In any event we consider the Engagement Information Packs are disclosable under the Freedom of Information Act ("FOIA"). As you know, there is no requirement on a person requesting information to mention the FOIA and our request for information should have been treated as a request under the Act from the outset.

We would be grateful for your response to these points by no later than close of business on Friday 11 May 2018.

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## RESPONSE

Thank you for your Freedom of Information request to the Mayor's Office for Policing And Crime (MOPAC) of 10 May. I confirm that your request has been handled under the Freedom of Information Act (FOIA) 2000 and that MOPAC does hold information on relating to your request.

The MOPAC/MPS Engagement Packs are enclosed on a disc. Parts of this information have been redacted since they are exempt under Section 43(2) of the FOIA Commercial Interests - information whose disclosure would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

### **Public Interest Test**

In deciding whether to apply Section 43(2) of the Act, I have considered whether the public interest lies in favour of releasing information into the public domain or whether there is sufficient reason to support withholding the requested information.

**Public Interest considerations favouring disclosure**

- There is a public interest in the transparency of information provided by MOPAC and the MPS which could increase confidence in both organisations.
- Disclosure could provide the public with an understanding that public funds are being used appropriately.

**Public interest considerations favouring non-disclosure**

- Disclosing the valuation of MOPAC/MPS buildings may prejudice any potential future selling of the buildings, leading to reduced offers made.
- Damage may occur to a tender process with a disclosure of this information.
- Disclosure of the information could impact on any future property sales by weakening the MPS' position in a competitive market.
- In these times of budget cuts, it is particularly important for the MPS to achieve value for money for the public purse. The MPS would not be in the best bargaining position to achieve this if through disclosures under the FOIA, the competitive nature of selling of MPS property is adversely affected.

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**- Balance Test**

- In deciding whether to apply Section 43(2) of the FOIA, I have considered whether the public interest lies in favour of releasing information into the public domain or whether there is sufficient reason to support withholding the requested information. Having considered your request and having examined the associated risk in release, I have found there is a risk to the commercial interests of an organisation. I believe this risk, as outlined above, is both real and likely.

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- In view of this, the considerations favouring non-disclosure of the requested information outweigh the considerations favouring disclosure, therefore the redacted information is exempt from disclosure under Section 43(2) of the FOIA.

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- If you are unhappy with the response to your Freedom of Information request, please see the MOPAC website on what the next steps are at:

- <https://www.london.gov.uk/what-we-do/mayors-office-police-and-crime-mopac/governance-and-decision-making/freedom-information>