

PART 2 – CONFIDENTIAL FACTS AND ADVICE

DMFD18

Title: Replacement of Aerial Appliances

Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Information Governance team for advice.

This information is not for publication until the stated date, because:

Appendix A of LFC-0082 to the London Fire Commissioner (LFC) contains information which is commercially sensitive information and the disclosure of which may be considered to prejudice the commercial interests of the LFC, the preferred supplier and the procurement process.

Date at which Part 2 will cease to be confidential or when confidentiality should be reviewed:

1 January 2022

Legal recommendation on the grounds of keeping the information confidential:

In the event of any request for access to the information contained in this document under section 1 of the Freedom of Information Act 2000 ("the Act"), it is considered that access can be denied on the basis that the disclosure of such information would prejudice LFC's commercial interests and the on-going procurement process.

Section 1 of the Act creates the general right of access, which provides that any person making a request for information to a public authority is entitled:

- to be informed in writing by the public authority whether it holds information of the description specified in the request; and
- if that is the case, to have that information communicated to him/her.

Part II of the Act contains a number of exemptions from disclosure for certain classes of information. In section 43 of the Act provides that information is exempt information if disclosure under the Act would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it).

The section 43 exemptions are qualified exemptions and its use is therefore, subject to a public interest assessment.

Public Interest Assessment

At present, on balance, it is considered that the public interest is best served if the information is not disclosed at this point. Disclosure would be likely to have a detrimental effect;

In this case, disclosure of this information into the public domain would prejudice the legitimate commercial interest of LFC and its ability to secure value for money on behalf of the public.

The eligibility of these exemptions should be reassessed in the event of an FOI request for this information as the level of sensitivity will change over time and different circumstances may alter the arguments in favour of non-disclosure.

Information Governance Adviser - I make the above recommendations that this information should be considered confidential at this time

Name: Rachael Scott

Date: 12/12/18

Confidential decision and/or advice:

See Appendix A of report LFC-0082.