

FOI – 1985

16<sup>th</sup> November 2023

## **FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST**

---

**Please confirm the annual uplift % being applied in the previous contract year (2022~2023) and the current contract year (2023~2024) for the following contract;**

**FRAMEWORK FOR BUILDING MAINTENANCE, MINOR WORKS  
AND  
COMMUNITY AIDS & ADAPTATIONS**

**PROJECT NO: SHSCT-01-2020**

Response:

Request for information regarding annual uplift percentage for specified contract has now been considered and believe this information is exempt from disclosure under section 43 of Freedom of Information Act 2000.

Section 43(2) is a qualified exemption and is subject to the public interest test. This means that not only does the information have to prejudice one of the purposes listed, but before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

The requested information is part of a current and live framework contract with SHSCT. In reaching a decision the Trust has considered the likely prejudice to both the Trust and the service supplier if the requested information were released, and has had regard to the Information Commissioner's 'Freedom of Information Awareness Guidance No 5 – Commercial Interests'

### **Considerations in favour of disclosing the information**

The Trust recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them; proper scrutiny of government action; and the effective use of public money.

### **Considerations in favour withholding the information**

There is a public interest in the Trust being able to work within competitive markets where results in a financial or resource benefit is put to the wider public interest. Also,

disclosure would potentially make it more difficult to conduct future commercial transactions with public bodies without fear of suffering commercially as a result of disclosures that might enable a competitor to undercut.

Given that the definition of 'public' under the Act is considered to be the public at large, rather than just the individual applicant or a small group of people and that 'public interest' is not necessarily the same as what interests the public and what is noted above, it is considered that to release this information into the public domain is likely to result in prejudice to the commercial interests of the Trust and the supplier which is not outweighed by the wider public interest for disclosure.

Email: [foi.team@southerntrust.hscni.net](mailto:foi.team@southerntrust.hscni.net)