

Frequently asked questions

If I give the Authority Information on my products or services, will this be subject to FoI or EIR?

Yes, but that does not mean it will automatically be released if it is requested, as one of the exemptions may apply. We will seek your views before making a decision on disclosure of Information which might affect your rights or interests.

My Company holds Information on behalf of the Authority; how am I affected?

If the Authority gets a request for Information that includes Information you hold on our behalf, we will ask you to provide it quickly so that we can comply with FOI or EIR.

What if a Request for Information comes directly to my company?

You have no obligations to respond to such a request since neither FOI or EIR applies directly to your organisation. If the request relates to Information that you hold on behalf of the Authority, you should not in any case disclose it without our explicit agreement.

Are there any exemptions which allow the Authority to refuse to supply Information?

FOI provides for two types of exemption: Absolute Exemptions and Qualified Exemptions. Where Information is covered by an Absolute Exemption, the Authority may refuse to release it and, in some circumstances, can refuse to confirm or deny whether we hold the Information. Where qualified exemptions apply, the Authority has to undertake a public interest test to decide whether it is in the public interest to disclose or withhold it.

EIR also has a number of exceptions. However unlike FOI the regulations are weighted in favour of disclosure, so all potential exceptions under EIR are subject to a public interest test.

Could Information I supply to the Authority be protected by having a confidentiality clause in contracts or by providing the Information in confidence?

Confidentiality clauses are discouraged under the FOI and EIR unless there are genuine commercial and/or legal reasons why the Information should be treated as confidential.

Information provided in confidence is only exempt if its disclosure would give rise to an actionable breach of confidence. This is a narrow legal exemption, which applies in limited circumstances and you should not assume that this exemption will apply just because you think Information is confidential.

If you consider that Information that you provide to the Authority is confidential, you should identify the Information and provide reasons why you consider the Information to be confidential under the FoI.

What will the Authority do if it receives a request for Information that might affect my company?

When considering requests, the Authority will consult you about Information that may affect your rights or interests, unless we are already certain that we must or must not disclose it. This consultation will help us to decide if an exemption applies and what the considerations are in applying a public interest test about Information disclosure.

What happens to Tender Information after contract is awarded?

Information that was commercially sensitive during the procurement process may no longer be sensitive once contracts have been signed. The Authority will therefore consult you to determine its disclosure as in the previous answer.

Further guidance can be obtained from [Information Commissioner's Office](#).