

Annex B

PUBLIC INTEREST TEST			
Request Ref:		DoF/2026-0604	
Request summary:		Q3-10 – request to provide information relating to the winning Supplier's Tendered rates	
Information details:	Exemption applied	Disclosure	Non-disclosure
The contract for ID 5054046 NICS contract for security and ancillary services - request to provide a copy of the winning suppliers's Tendered rates	Section 43 (2) Information is exempt information if its disclosure under this Act would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it).	- To show compliance with the FOI Act by disclosing information held by the Department as a Public Authority; - There is a general public interest in the accountability, openness and transparency of government, and to promote public understanding - The right of the public to know that public money is being spent wisely; - the public interest in disclosing information about public sector tender competitions to ensure that authorities' procurement processes are conducted in an open and fair manner.	- There is a public interest in ensuring that private sector companies can compete on an equitable basis for public sector contracts and disclosure of commercially sensitive information could compromise the ability of companies to do so. - The disclosure of this information would undermine the tenderer's ability to successfully compete for future public sector tender competitions. - There is a risk that the tenderer could be discouraged from competing for future competitions if information identified as being commercially sensitive is released, thereby reducing the competitive market. - Any release of the tender response and/or pricing would prejudice the market/competition and unfairly advantage the requestor/other companies. - Further where a release would reveal the commercial advantages that parties may have developed over many years at significant cost, such a disclosure would be likely to cause significant damage to its commercial interests. - Releasing the successful tender information requested would be detrimental to them competing successfully for such services in the future in both the public and private sectors and, by disclosing commercially sensitive material in this way, would diminish confidence in the integrity of the public tendering process and thus disincline companies from competing in such contests.
PUBLIC INTEREST DECISION: After weighing up the competing public interest considerations, it is reasonable in all the circumstances that the information should be withheld from disclosure. Disclosure would cause significant damage to the commercial interests of the contractor and the contracting authority and weaken the ability of public authorities to obtain value for money for the public purse. The public interest in maintaining the exemption therefore outweighs the public interest in disclosure.			