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Public Interest Test

Freedom of Information

Section 43 Commercial Interests

Harm

Disclosure of such information is commercially sensitive because it includes trade secrets that if revealed, may place the involved company at a disadvantage by sharing those secrets with competitors. Disclosure would be likely to harm the current company's future tendering opportunities and their business in their rates were released. Releasing this information would be likely to give competitors an advantage in future tendering opportunities. If any details within the contract were revealed then it may lead to the current company to losing the contract. Furthermore, disclosing the location of the dogs is a trade secret that could put both the company and the animals at risk.

Factors Favouring Disclosure

There may be some public interest in revealing details involved in contract. Revealing information of this contract may inspire any future applications for other tendering opportunities by different companies. It is important that West Midlands Office of the Police and Crime Commissioner (OPCC) are held accountable for any decisions that are made that may affect this process.

Factors Favouring Non-Disclosure

Disclosure would be likely to prejudice the commercial interests of the company involved and affect the provision for seized dangerous dogs for WMP and OPCC. In addition, revealing this information would have a negative effect on the relationship between the company and the OPCC/WMP. Some of the information that has been withheld contains trade secrets of the company, and releasing these would place that business at risk from competitors. It is in the OPCC's best interest to protect the safety of the dogs that have been kennelled and to release contract information would jeopardise this.

Balancing Test

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what will be the greater good, if released, to the community as a whole.

The issues supporting disclosure have been considered however, on balance, it is considered that the public interest lies in not disclosing the information. This is due to the harm it would cause this ongoing contract, and in any future contracts, and the ongoing relationship between the OPCC and West Midlands Police and the involved company.

There is a strong need for this Office to be able to provide advice and guidance in the tendering process without fear of these being made public, especially when it could have an adverse effect on the integrity and effectiveness of operational policing.

The OPCC want to maintain the quality of the service provided. The high quality of service provided is obviously in the interest of the wider public.