

From: Foi Enquiries
Sent: 17 August 2018 15:20
To: [REDACTED]
Subject: FOI-18-1127 - Non-Disclosure Agreements
Attachments: V2 - Further Information - Right to Review & Appeal.pdf

Dear [REDACTED]

Thank you for your information request of 26 July 2018. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

- **Please can you tell me how many non-disclosure agreements the council has agreed in each year over the past 10 years? These are also known as settlement agreements with a non-disclosure clause included**

ACC is unable to provide you with information on **how many non-disclosure agreements the council has agreed in each year over the past 10 years** as the cost of providing it has been calculated as being in excess of the statutory maximum (£600). To explain this, 2,026 files have been identified and a paralegal would be allocated to review each file. This has been calculated at 20 minutes per file, which equates to 675 hours at £14.18, at the cost of £9,571.50. This work would then need to be reviewed by a solicitor at approximately 5 minutes per file, which equates to 168 hours at the capped £15 hourly rate, at the cost of £2,520.00. The total cost of providing this information would therefore be £12,091.50 in total.

In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby give notice that we are refusing your request under the terms of Section 12 - Excessive Cost of Compliance - of the FOISA.

ACC would be happy to discuss ways in which you may refine your request, so we can provide some information of interest to you within the maximum cost limits. Please do contact the Information Compliance team, who will be happy to advise you, if this is something you would like to pursue.

- **Please can you also tell me which department of the council ex-employees or employees who signed the NDAs were working for?**

ACC is unable to provide you with information on **which department of the council ex-employees or employees who signed the NDAs were working for** as the cost of providing it has been calculated as being in excess of the statutory maximum (£600). To explain this, the same work as for the question above would need to be carried out: 2,026 files have been identified and a paralegal would be allocated to review each file. This has been calculated at 20 minutes per file, which equates to 675 hours at £14.18, at the cost of £9,571.50. This work would then need to be reviewed by a solicitor at approximately 5 minutes per file, which equates to 168 hours at the capped £15 hourly rate, at the cost of £2,520.00. The total cost of providing this information would therefore be £12,091.50 in total.

In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby give notice that we are refusing your request under the terms of Section 12 - Excessive Cost of Compliance - of the FOISA.

Further, ACC is of the view that the Council would be unable to provide this information in terms of Section 36(2) (Confidentiality) of the FOISA even if the request was reduced in scope.

- **Please can you tell me the financial value of the non-disclosure agreements over the past 10 years?**

ACC is unable to provide you with information on **the financial value of the non-disclosure agreements over the past 10 years** as the cost of providing it has been calculated as being in excess of the statutory maximum (£600). To explain this, the same work as for the question above would need to be carried out: 2,026 files have been identified and a paralegal would be allocated to review each file. This has been calculated at 20 minutes per file, which equates to 675 hours at £14.18, at the cost

of £9,571.50. This work would then need to be reviewed by a solicitor at approximately 5 minutes per file, which equates to 168 hours at the capped £15 hourly rate, at the cost of £2,520.00. The total cost of providing this information would therefore be £12,091.50 in total.

In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby give notice that we are refusing your request under the terms of Section 12 - Excessive Cost of Compliance - of the FOISA.

Further, ACC is of the view that the Council would be unable to provide this information in terms of Section 36(2) (Confidentiality) of the FOISA even if the request was reduced in scope.

- **Please can you tell me the reason why the agreement was made? If it is not possible to provide this information please just send the rest of the requested information**

ACC is unable to provide you with information on **the reason why the agreement was made** as the cost of providing it has been calculated as being in excess of the statutory maximum (£600). To explain this, the same work as for the question above would need to be carried out: 2,026 files have been identified and a paralegal would be allocated to review each file. This has been calculated at 20 minutes per file, which equates to 675 hours at £14.18, at the cost of £9,571.50. This work would then need to be reviewed by a solicitor at approximately 5 minutes per file, which equates to 168 hours at the capped £15 hourly rate, at the cost of £2,520.00. The total cost of providing this information would therefore be £12,091.50 in total.

In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby give notice that we are refusing your request under the terms of Section 12 - Excessive Cost of Compliance - of the FOISA.

Further, ACC is of the view that the Council would be unable to provide this information in terms of Section 36(2) (Confidentiality) of the FOISA even if the request was reduced in scope.

We hope this helps with your request.

Yours sincerely,

Anna Buchan
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

Information Compliance Team | Customer Feedback | Customer Experience

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*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.

Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).