

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-0131 - Recycle Bins
Date: 14 February 2017 15:29:02
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED]

Thank you for your information request of 20 January 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

Under the Freedom of Information Act (2002), I wish to acquire the following information:

- How many recycling bins are allocated per household in the local authority area?

Currently 1x black box and white bag (additional containers provided if needed)

1x brown bin, kitchen caddy and liners (additional brown bin provided if needed)

From March 2017 this will change to:

1x 240 litre mixed recycling bin

1x brown bin, kitchen caddy and liners

- What materials do each of the bins provide recycling for (e.g. glass, paper etc.)?

Currently, box and bag -plastic bottles, glass, paper/card, tins, foil and aerosols

Brown bin – garden waste, cooked and uncooked food waste

From March 2017, add plastic containers (pots, tubs, trays) and food and drink cartons (e.g. Tetrapaks)

- What is the cost of replacing each type of bin?

ACC is unable to provide you with information on **What is the cost of replacing each type of bin** as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(5)(e) – Confidentiality of Commercial or Industrial Information – of the EIRs.

In making this decision ACC considered the following points:

Is the information commercial or industrial in nature?

The requested information relates to the cost of replacement bins and containers for the recycling programme being rolled out in Aberdeen City. The information was created by Scotland Excel in 2013. The contract is on-going and is due for renewal this year.

Does a legally-binding duty of confidence exist in relation to the information?

The prices quoted in the Scotland Excel framework will be covered by the confidentiality clause within the framework. Please see Scotland Excel terms and conditions for further information.

Is the information publicly available?

The information can only be accessed by registered users of the Scotland Excel website. None of the information is publicly available. Confidentiality is agreed as part of the terms of using the Scotland Excel Frameworks.

Please describe how disclosure of the requested information would cause the level of harm required for this exception?

Scotland Excel were contacted by telephone and emailed to get advice on releasing the information requested prior to 26 January 2017.

Scotland Excel expressly advised that prices were commercially sensitive and if released into the public domain would put suppliers off bidding for Scottish Authority contracts in the future.

By releasing this information it could give unfair advantage to companies bidding for Scottish Authority contracts and would make the whole framework system difficult to manage. Aberdeen City Council would be viewed as unprofessional if they were the authority to go against the Terms and Conditions agreed with Scotland Excel.

If Aberdeen City Council revealed any information that was previously agreed as 'commercially sensitive' then there would be severe reputational damage to the Council, Members and Officers.

What are the public interest arguments?

ACC recognises that there is a general public interest in openness and transparency on how ACC spends its money in terms of 'following the public pound'. In this regard, ACC provides financial information on its website, detailing spend and income as part of its annual accounts.

However, as Aberdeen City Council has agreed to maintain confidentiality about pricing by Scotland Excel it would be inappropriate for us to break our agreement with them and we could leave ourselves open to being excluded from using future Frameworks. This would be detrimental to our working relationships and our ability to operate in a fair market place, securing the best deals for the public.

In conclusion, ACC feels that the public interest lies with not disclosing the requested information into the public domain.

We hope this helps with your request.

Yours sincerely,

Grant Webster
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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