

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-0219 - Recycling
Date: 08 March 2017 06:45:51
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED]

Thank you for your information request of 7 February 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

- 1) I would like to find out how much money the council has spent each year since 2013 on its waste and recycling programme.**
- 2) I would like my answer broken down by each year since 2013, and, if possible, by how much was spent on the waste portion of the programme, and how much was spent on recycling.**

Waste

- a) 2013**
- b) 2014**
- c) 2015**
- d) 2016**

Recycling

- a) 2013**
- b) 2014**
- c) 2015**
- d) 2016**

Information relating to Aberdeen City Council's Waste Management Contract has a confidentiality clause attached to it and as such we cannot reveal the charges/prices being paid by Aberdeen City Council for the waste management contract. If we break this clause Aberdeen City Council would be contravening the obligation it took under this confidentiality clause.

Therefore, 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;

The information requested was created by Scotland Excel in 2013 following a bidding competition for the provision of bins and containers to Scottish Local Authorities. The contract is on-going and is due for renewal this year consequently the prices quoted in the framework will be covered by the confidentiality clause within the framework.

ACC considers that commercial interests exist in the value of the waste and recycling portion of the contract because it comprises the pricing schedule of the Contractor. Disclosure of this information into the public domain under the FOISA would prejudice the commercial interests of both the Contractor and ACC.

Disclosure of this information will also weaken the Contractor's business position in a competitive environment by revealing sensitive information which competitors may find useful. It is important that ACC maintains good working relationships with reputable companies to enable it to obtain value for money and so releasing commercially sensitive information could potentially damage ACC's reputation with such third parties, dissuading the third parties from engaging with ACC.

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ACC recognises that there is a public interest in being open and transparent about its spending of public money and that disclosure of this information may be in the public interest.

However, ACC is of the view that in this case, the public interest lies in withholding the information as disclosure would prejudice ACC's commercial relationships and future contractual negotiations with suppliers. There is a strong public interest in allowing normal market forces to operate in a competitive environment and engage in a fair and transparent process. ACC considers that the requested information would only be 'of interest' to a competitor. On this basis, ACC is of the view that in all the circumstances of the case, the public interest is best met by applying Regulation 10(5)(e).

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

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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