From: Foi Enquiries
To: [redacted]
Subject: FW: EIR-16-0872 - Recyclable Materials
Date: 02 August 2016 16:34:21
Attachments: Further_Information - Right to Review & Appeal.pdf

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Dear [redacted],

Thank you for your information request of 4 July 2016. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

1. **In regard to ACC's response to EIR-16-0778 and With reference to question 1, are you able to say how much ACC received for recyclate as part of the contract with Suez?**

Information relating the value of the Recyclate rebate is considered exempt. 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;

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

Disclosure of the Recyclate rebate is likely to 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.

ACC recognises that there is a public interest in being open and transparent about its spending of public money and that disclosure of the Recyclate rate 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).

In an effort to be open and transparent about its finances, ACC actively publishes information on its website regarding contracts it awards, annual accounts and financial information.

For instance, please see the Financial Information webpage at:

http://www.aberdeencity.gov.uk/council_government/performance/financial_information/ctx_FinInfo_Home.asp
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This sort of information can also be found in committee papers via the following webpage:

http://committees.aberdeencity.gov.uk/mgListCommittees.aspx?bcr=1

We hope this helps with your request.

Yours sincerely,

Nicky Leiper
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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