

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** FOI-16-1367 - GasCall Services  
**Date:** 15 November 2016 13:35:15  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED]

Thank you for your information request of 19 October 2016. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**I would like to know how much ACC pays GasCall Services Ltd per breakdown and emergency call out, both weekday and evening and weekend costs. If this is deemed as commercially sensitive, I would like to know the average cost for a breakdown and emergency call out for both weekday and evening and weekend call out**

We are unable to disclose this information.

ACC is unable to provide you with information on **how much ACC pays GasCall Services Ltd per breakdown and emergency call out, both weekday and evening and weekend costs or the average cost for a breakdown and emergency call out for both weekday and evening and weekend call out** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 33(1)(b) – Commercial Interests - of the FOISA.

In making this decision ACC considered the following points:

1. Do commercial interests exist in relation to the information?

Yes, commercial interests exist in the information. The information requested is pricing in the context of commercial trading activity. The pricing is current and is contained in a contract that was concluded pursuant to a competitive tender exercise which completed towards the end of 2012. The minimum duration of the contract would see it come to an end in 2017 with a re-tender exercise to occur beforehand.

Whose commercial interests will be damaged by the release of the information?

The pricing information engages the commercial interests of both the Council and Gas Call Services.

What is the nature of those interests?

The contract pricing discloses basic detailed unit prices ACC are willing to pay for the services and the prices GasCall are prepared to provide them at. The pricing is current and, as the contract will be re-tendered in 2017, that pricing will be a good indicator of what might be considered as a yardstick for a winning bid. The information will also be highly useful to competitors in looking to target other customers using this pricing information to help them undercut pricing with them too.

Please describe how disclosure of the requested information would cause the level of harm required for this exemption? In what way will this harm occur?

If the information is disclosed, the ability of the Council to drive out value for money in future tender exercises will be substantially prejudiced (because potential tenderers will price to beat

the incumbent's pricing and not necessarily with their lowest bid). Additionally, Gas Call Services' commercial interests will be damaged as competitors will know their current pricing and Gascall will not know theirs, so there will not be a level playing field on any re-tender. Additionally, if Gascall pricing with the Council is disclosed, Gascall's other customers may learn of it (as the information will enter the public domain) and Gascall will not be able to maintain their prices with them if they know the prices agreed with the Council

The pricing details being sought are relevant to a substantial proportion of the overall value of the contract since call outs represent a substantial proportion of the services being provided.

What evidence can you provide for this harm?

The detailed pricing information being sought is very detailed and will be used in financial modelling and is designed to understand the pricing of services in order to confer advantage on the person seeking the information. The pricing is current – and not historic – so its disclosure will be extremely harmful to the commercial interests of both the Council and Gas Call Services.

How likely is it that this harm will happen?

Very likely. The Council's ability to conduct a blind re-tender which offers the optimal outcome in terms of competitive outcome will be irrevocably impaired and Gas Call Services' ability to compete on a level playing field will also be severely hampered because details of core unit pricing will be in the public domain and known by competitors.

ACC recognises that there is a public interest in being open and transparent about its negotiations with third parties. 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 third parties and after considering all the circumstances of the case, the public interest is best met by applying Section 33(1)(b) at this time.

We hope this helps with your request.

Yours sincerely,

Grant Webster  
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.

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