

My ref: FOI 328078  
Your ref:  
Date: 2<sup>nd</sup> July 2009  
Contact: Sarah Priestley – Information Governance Officer  
Direct dial: (01223) 699137  
E Mail: foi@cambridgeshire.gov.uk

**Customer Service and Transformation**  
Corporate Director, Pat Harding

Ganesh Sittampalam

**Information Governance**

**By Email.**

request-12302-258bbd89@whatdotheyknow.com

RES1405  
Room 307  
Shire Hall  
Cambridge  
CB3 0AP

Dear Ganesh,

**Re: Freedom of Information request – Refusal Notice**

I write with reference to your email of May 21<sup>st</sup> 2009 in which you request a copy of the report referred to in between items 12(c) and 12(d) of the agenda for the council meeting of 19/05/09.

This request has been dealt with under the terms of the Environmental Information Regulations and I can confirm that we do hold the information.

In my letter of June 19<sup>th</sup>, we advised you that we required more time to appropriately decide whether we could disclose the requested information, and that the information was potentially subject to one or more of the exceptions contain in the Regulations.

We have applied the following exceptions to this information:

- Regulation 12(4)e – Disclosure of internal communications.
- Regulation 12(5)b – disclosure affecting the course of justice.
- Regulation 12(5)e – Disclosure would adversely affect the confidentiality of commercial information provided by law to protect a legitimate economic interest

Each of the exceptions requires that we undertake a public interest test to determine whether the information should be disclosed. Issues that we took into consideration included:

- The Council's constitution
- The Information Commissioner's guidance on Legal Professional Privilege, issued in November 2009, and the strong public interest in the non-disclosure such information.
- Matters which affect the Council's ability to hold free and frank discussion
- The commercial interests of both the County Council and BAM Nuttals Ltd.

The public interest in each case has favoured withholding the information and therefore we are refusing your request for information.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to Helen Maneuf, Head of Audit, Scrutiny and Information Governance, Box Res1405, Room 307, Shire Hall, Cambridge CB3 0AP within 40 days of the date of our final response.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards  
Sarah Priestley  
Information Governance Officer.