

# Corporate Services - Legal

Director of Corporate Services : Alison Sanders  
Borough Solicitor : Alex Jack LLB (Exon) LARTPI

This matter is being dealt with by:

Nicola Thurloway  
Ref: NT/21009

14 August 2009

**Email only –**  
**request-13054-152a4bb2@whatdotheyknow.com**

Dear Mr Grimshaw

I write further to my letter dated 14 June and your request on 6 June and clarified on the 29 June 2009. You asked for –

- All external emails, documents or other communication with London Borough of Hillingdon regarding the e+ scheme
- All internal emails, documents and other communication about London Borough of Hillingdon and the e+ scheme.
- What plans are in place to make the e+ scheme compulsory.

You stated that the “e+ scheme” means the scheme itself (general information, processes, statistics, advice ect) and the associated services and systems (eg smart connect).

- 1 In relation to plans to make the e+ scheme compulsory: I am instructed that the e+ scheme is not compulsory. Further, that currently Bracknell Forest Council do not plan to make the scheme compulsory and do not hold documents or reports which consider making it so.
- 2 A copy of the information which can be disclosed is enclosed, along with, for ease of reference, a contents page.
- 3 You will see that the personal data of employees at SmartCitizen and Smartran has been redacted in accordance with s40(2) of the Freedom of Information Act (the Act). To disclose this information would breach the Data Protection Act Principles and therefore the information is exemption from disclosure.
- 4 Specific information at page 3 of document 9 has been redacted based on the exemption contained at section 31 of the Act. To release the information is likely to prejudice the prevention or detection of crime. This is relates to the security of the system. The council is of the view that there is a strong public interest in protecting public funds from fraudulent activity which is not outweighed by the public interest in disclosing the information.
- 5 The Council is of the view that the remainder of the information which has been redacted is exempt from disclosure under section 43 of the Freedom of Information Act 2000 which states that information is exempt if its disclosure would, or would be likely to prejudice the commercial interests of any person. In this case it is to prevent prejudice to the commercial interests of SmartCitizen.



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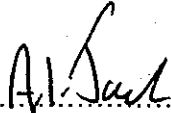
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THE LAW SOCIETY



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- 6 The disclosure of the information would be of use to SmartCitizen's competitors as it would give them an insight into how they are likely to respond to tenders and other business opportunities and this would, on the balance of probability lead to a prejudice to their commercial interests.
- 7 The following public interest arguments have been considered by the Council when deciding whether or not in all the circumstances of this case, the public interest in maintaining the exemption outweighs the public interest in disclosure.
- 8 Factors in favour of disclosure:
- a. The general public interest in the promotion of transparency, accountability, public understanding and involvement in the democratic process.
  - b. Allowing individuals to understand the decisions of public authorities.
  - c. The benefits of complete information about pricing and the e+ scheme.
  - d. The benefits to Smartcitizen's competitors of gaining this information.
  - e. The inherent value in the information itself, given it may inform debate on the issue.
- 9 Factors against disclosure:
- a. The disclosure would be likely to prejudice the commercial interests of SmartCitizen which operates in a competitive environment.
  - b. If SmartCitizen were prejudiced in relation to their future contracts, other local authorities would suffer in terms of a distortion in the market and be prejudiced in gaining a competitive price and quality for their contract.
  - c. Public interest in ensuring that there is competition for public sector contracts.
- 10 The council acknowledges the public interest in disclosure (points 8.a, 8.b, 8.c and 8.e). However, it is of the view that in the context of the documents and information which has been released, the redactions made do not materially affect the quality of information which can be gained and therefore those aims can be substantially met. Further, in relation to point 8.d, the local authority should avoid allowing the Freedom of Information Act to distort the market.
- 11 The Council is satisfied that in all the circumstances of the case, the public interest in maintaining the prejudice to commercial interests exemption outweighs the public interest in the lists disclosure.
- 12 If you wish to complain about my decision set out in paragraph 3, 4 & 5 and 11 above you may use the Council's Corporate Complaints Procedure. You will find attached to this notice information setting out details of the Complaints Procedure.
- 13 You also have a right to apply to the Information Commissioner for a decision as to whether the Council has dealt with your request in accordance with the requirements of Part 1 of the Act. However, the Commissioner will not make a decision if it appears to him that you have not exhausted the Complaints Procedure referred to in paragraph 11 above. The address of the Information Commissioner's office is: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 01625 5457002

Signed .....  .....  
Borough Solicitor

Date... 13th August 2009.

Enc Corporate Complaints Procedure

### Freedom of Information Act Response

- All external emails, documents or other communication with London Borough of Hillingdon regarding the e+ scheme
- All internal emails, documents and other communication about London Borough of Hillingdon and the e+ scheme.
- "e+ scheme" means the scheme itself (general information, processes, statistics, advice ect) and the associated services and systems (eg smart connect).

#### List of Documents

LBH – London Borough of Hillingdon

BFC – Bracknell Forest Council

JW – Jayne Ward of Bracknell Forest Council

Doc	Description	Page
1	Email -19/8/08 LBH to Vincent Paliczka - BFC	1
1b	Email 16/10/08 LBH to SmartCitizen And Email 16/10/08 JW to LBH And Email 15/10/08 LBH to JW And Email 19.9.08 JW to LBH And Email 4/9/08 LBH to JW And Email 4/9/08 JW to LBH And Email 4/9/08 LBH to JW And Email 4/9/08 JW to LBH	2-7
1c	Preparation for meeting (23.10.09), questions re Schedules	8-10
1d	Schedules – NB-These Schedules are draft and were not added to the final documents, they are disclosed on the basis it is a document which is about LBH and the e+ scheme	11-54
2	Email 4/12/08 SmartCitizen to LBH And Email 4/12/08 LBH to SmartCitizen	55-56

3	Email – 4/12/08 JW to LBH And Email 04/12/08 Darryl Wallace to JW	57
4	Email - 5/12/08 LBH to JW	58
5	Email –11/2/09 JW to LBH	59
6	Email 29/1/09 SmartCitizen to LBH	60-61
7	Email 11/2/09 LBH to JW	62
8	Email 12/2/09 Email SmartCitizen to LBH	63-69
9	1 Email 17/3/09 SmartCitizen to LBH 2 Email 17/3/09 LBH to JW & Smartcard 3 Email 12/2/09 SmartCitizen to LBH 4 Email 2/12/09 LBH to SmartCitizen 5 Email 12/2/09 SmartCitizen to LBH 6 Email 2/12/09 LBH to SmartCitizen 7 Email 12/2/09 SmartCitizen to LBH 8 Email 12/2/09 LBH to Smartran 9 Email 12/2/09 Smartran to LBH	70-74
10	Email 30/1/09 LBH to SmartCitizen And Email 29/1/09 SmartCitizen to LBH	75
11	Purchase order from LBH – 141008 (11.2.09)	76-78
12	Email -12/2/09 JW to Peter Robinson BFC And Email 12/2/09 LBH to JW	79
13	Email 12.2.09 LBH to SmartCitizen	80
14	Purchase order from LBH – 144650 (17.3.09)	81-83
15	Email 8/4/09 LBH and JW And Email 8/4/09 JW to LBH	84-85
16	Email 14/4/09 SmartCitizen to LBH	86
17	Email 19/3/2009 SmartCitizen to LBH	87-89
18	Email 21/4/09 LBH to SmartCitizen	90-91
19	Site Licence 14 November 2008	92-101
20	Method Statement 3 November 2008	102-114