



The City of Liverpool

**Colin Hilton**  
Chief Executive

Our Ref: NSG27310

29 May 2008

Dear Mr Todd

### **MOUCHEL PARKMAN PLANS AND CONTRACTS**

I refer to your e-mail of 1 May 2008, which has been passed to me for review.

I note your comment that it was not necessary to repeat the same paragraph in respect of Section 43 and Section 41 for each redaction.

The Information Commissioner has advised Liverpool City Council that it is good practice to explain the reasons why each redaction has been applied and whilst this does appear to repeat itself it demonstrates that each redaction has been given full consideration.

In respect of the redactions on:

**Page 55 & Page 57:** The percentage figures redacted were done so as it was felt that they had commercial interest.

A commercial interest relates to a persons ability to successfully participate in a commercial activity. The underlying motive for such transactions is likely to be profit although this is not necessarily the case. The percentage figure is part of the negotiations and may not be the specific figure that any of the parties would agree to in any other contract with any other party. If released this figure could affect the ability for any of the organisations concerned to negotiate any similar contracts. The level of competition within the industries involved means that should this information be released it would harm someone's commercial interest and therefore the exemption was considered fully, the public interest test was also fully considered and it is for the above reasons that I consider the exemption has been correctly applied.



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With regard to Section 41 there was an agreement between the parties that the information would not be disclosed without their consent and therefore this would be an actionable breach of confidence if we were to disclose this information to a third party which would give rise to an actionable breach of confidence which may result in legal action against Liverpool City Council for such a breach of confidence. I consider the exemption has been correctly applied.

**Page 72:** Again the Parkman corporate management services fee relates to figures which are commercially sensitive. The figure if released would have commercial interest.

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**Page 82:** This redaction relates to figures which would if released be commercially sensitive.

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**Page 83:** Overhead costs were redacted as this information is again commercially sensitive.

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**Schedule 3: Pages 84-87:** I agree that this document can be redacted. I attach the redacted document. The redactions have been made as the information removed relates to personal identifiable information. The release of which would be an actionable breach of the Data Protection Act 1998 and is therefore exempt from disclosure by virtue of Section 40 of the Freedom of Information Act 2000.

**Page 89:** There is a specific clause which prohibits the disclosure of this information connected to this contract again this information is commercially sensitive.

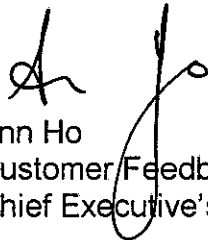
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Your comments have been noted in respect of the contract and that it is ongoing, however, the release of the information can still affect the commercial interests of the parties involved in any ongoing, planned or future negotiations which they enter into or try to enter into. The information contained in the contract which has been redacted has been done so with consideration to try to release as much information to you without affecting the commercial interests of any of those involved.

I am aware that you have previously been served with a Section 17 Notice outlining the routes in which you may further appeal this decision with the information commissioner if you remain dissatisfied with this response.

Yours sincerely



Ann Ho  
Customer Feedback Manager  
Chief Executive's Office