

Our Ref: FOI 3758

Date: 10 February 2010

Nindi Kaar

Via email at = **request-26876-51423891** @whatdotheyknow.com

Dear Nindi Kaar

Freedom of Information Act 2000 – Request for Information

Further to your recent enquiry for information held by the Authority under the provisions of the Freedom of Information Act 2000 (FOI) for access to information on the Commissioning process for Learning Disabilities services, please find attached some answers to your questions.

Please note that under FOI, the Authority has a right to refuse an applicant's request for information held if an FOI exemption applies. We believe in this case such exemptions may apply and are considering the following against the information in the requested minutes and in the costings tables:

- Section 43 – information is exempt information if it constitutes a trade secret [and] . . . if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).
- Section 41 – Information is exempt information if it was obtained by the public authority from any person (including another public authority) and the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.
- Section 40 – personal information about another living individual.

The Council is seeking the views of the provider organisations about the release of their information and these will be considered in conjunction with our own requirement to be open and accountable. Exemptions which are 'qualified' i.e. subject to a public interest test will require the Authority to balance the public interest in disclosing the information against the public interest in withholding the information from publication. We will reach a decision on whether or not the information can be released in due course. Guidance from the Information Commissioner's Office expects this process to be concluded in no more than a further twenty days. We regret the delay this will cause. Correspondence outlining

Please reply to:

Adults and Communities

Level 5

Louisa Ryland House

44 Newhall Street

Birmingham B3 3PL

Telephone : 0121 303 9462

Facsimile : 0121 303 2769

www.birmingham.gov.uk/adults

Peter Hay, Strategic Director, Adults and Communities

our decision will be sent to you as soon as possible and certainly within that timescale.

If you are not satisfied with the decision, you may ask for an internal review. Please contact Birmingham City Council's central FOI Team at this address:

Information Governance Team,
3rd Floor, 1 Lancaster Circus, Birmingham B4 7AB
Tel: 0121 303 4876 email: xxxxxxxxxxxx@xxxxxxxxxx.xxx.xx

After that, if you are not satisfied with the Council's decision you may apply to the Information Commissioner for an independent review at this address:

The Information Commissioner
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 01625 545700 Web Address: www.ico.gov.uk

Yours sincerely

Philip Wilson
Freedom of Information Officer