

7<sup>th</sup> October 2010



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Dear Mr Crookes

**Request for internal review of responses to requests under the Freedom of Information Act**

I write in response to your request for an internal review of QCDA's response to your request for information of 23<sup>rd</sup> August, made under the Freedom of Information Act (FOIA).

The review was carried out by myself and QCDA's Head of Legal on 6<sup>th</sup> October, and our findings are outlined below.

You requested the following information:

*What are the financial arrangements between you and the company Doublestruck (creator of the Testbase software)*

*Please could I have the details since the creation of the software.*

*Do you hold records of the total revenue of the Testbase software or is that information held only by Doublestruck/Individual schools?*

You were provided with the information you requested in relation to the financial arrangements between QCDA and Doublestruck. However, it was decided to withhold the information you requested regarding the revenue of the Testbase software, and in doing so the exemption at section 43(2) of FOIA was invoked. We have considered the application of this exemption to the information requested.

The exemption at section 43(2) applies where disclosure would, or would be likely to, prejudice the commercial interests of any person. In this instance, it was stated that disclosure would prejudice the commercial interests of Doublestruck.

In order for this exemption to apply, commercial activity (ie the sale and purchase of goods and services) must be taking place, and this activity must be taking place in a competitive environment. The information in question should possess a degree of commercial sensitivity, such that its disclosure would potentially weaken an organisation's commercial position. It was felt that all these factors applied in this particular case. We consulted Doublestruck on the application of the section 43(2) exemption, and their view was that disclosure would be likely to prejudice their commercial interests. It is therefore our view that the exemption is engaged.

The exemption at section 43(2) is subject to the public interest test, and we observe that this test was carried out, as documented in the response to your request. It is our opinion that the test was appropriately applied, and that the public interest favours withholding the information.

Our conclusion therefore is that this request was dealt with in compliance with the Act, and that the decision to exempt the information regarding the revenue of the Testbase software under section 43(2) of FOIA should stand.

If you are dissatisfied with the outcome of this internal review, you can apply to the Information Commissioner. Complaints to the Information Commissioner should be sent to: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



 Darryl Nunn  
Executive Director Corporate Services