



Department
for Business
Innovation & Skills

Mike Gilsenan
Via Email: request-220342-d44b0763@whatdotheyknow.com

04 September 2014

BIS Ref: FOI2014/15876
Your Ref: 220342-d44b0763

Dear Mr Gilsenan,

INTERNAL REVIEW OF FREEDOM OF INFORMATION REQUEST 2014/15876

I am writing in response to your request for an internal review of the above case. I have now reviewed the information which was withheld by the Department in its response to your original request. I set out my decision below.

Your original request was made on 16 July 2014 and asked for the following information regarding the sale of Constructionline:

- 1. *What is the proposed timeframe of this proposal?***
- 2. *How will the proposal be notified to potential interested parties?***
- 3. *What form will a prospectus take?***
- 4. *What opportunity will be provided to examine the trading record of the entity?***

The Department responded to your request on 13 August 2014 (the Response). The Response explained that publication of information to a few select organisations could potentially create unfairness to other parties interested in the sale of Constructionline. It was explained that it was intended to publish all relevant information at a future date so it can be viewed simultaneously to adhere to sale procedures.

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In compliance with the Freedom of Information Act 2000 ('the Act') I have conducted an internal review of the original response. In performing this review I have considered whether the original response to your request was correct.

The response said that the necessity to create a fair and open sales procedure to avoid unfairness was important and I must agree that exemption under Section 22 of the Freedom of Information Act was justified on this occasion. The use of the Section 22 exemption is reasonable as BIS has chosen to adhere to a procedure to ensure that no one organisation will get preferential notification of procedures and timings or information prior to OJEU publication¹.

Having considered the information being withheld in the light of your request for an internal review, I have concluded that the withholding all of the information was, at the time, justified given the desire for a level playing field in the sales process and that the information will be available once the OJEU is published.

Since the response the OJEU has been published² and this sets out the sale procedure and where to register to receive relevant sale information.

Additionally, in your review request, you suggested that the notification of the sale could be conveyed through an associated journal or newspaper. The sale and the path of that sale were notified by our Minister via a Westminster Ministerial Statement³ and also with a BIS press notice⁴ it was also reported in construction trade journals.

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

Yours sincerely,

Janice Munday
Director – Advanced Manufacturing Services Directorate

¹ Expressions of interest can be registered at Constructionline@uk.pwc.com

² <http://ted.europa.eu/udl?uri=TED:NOTICE:295100-2014:TEXT:EN:HTML&src=0>

³ www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140715/wmstext/140715m0001.htm

⁴ www.gov.uk/government/news/government-sale-to-help-constructionline-exploit-growing-markets