



**Brighton & Hove City Council**  
Information Governance Team  
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Dani Ahrens

FOI Reference: **8542721**  
Direct Dial: 01273-295959  
Email: foicasex@xxxx.xxxxhton-hove.gov.u  
Date: 28 June 2021

Dear Dani Ahrens

### **Freedom of Information Act 2000**

Thank you for your request for information to Brighton & Hove City Council ('the council') that was received on 17 May 2021. We have now processed your request and our response is below.

#### **Your request:**

***Please supply me with a copy of the evaluation reports prepared by the procurement panel as they assessed bids for the Domestic and Sexual Violence and Abuse Services, Stalking and Harassment, and Refuge Services Commissioning Programme, which was commissioned jointly by Brighton & Hove City Council, East Sussex County Council and the Sussex Police and Crime Commissioner in October 2020.***

#### **Our response:**

In processing your request we liaised with colleagues within Health & Social Care and Procurement as they would hold the information in relation to your request were this information to be held by the council.

We can confirm that the information requested is held by the council. The information you requested is detailed below and attached.

***Please supply me with a copy of the evaluation reports prepared by the procurement panel as they assessed bids for the Domestic and Sexual Violence and Abuse Services, Stalking and Harassment, and Refuge Services Commissioning Programme, which was commissioned jointly by Brighton & Hove City Council, East Sussex County Council and the Sussex Police and Crime Commissioner in October 2020.***

**Response:** Please see attached document “FOI 8542721 Orbis Procurement Report”.

Please note, we are unable to provide some of the information as it constitutes personal data under the Data Protection Act 2018. As this is personal data, disclosure under the Freedom of Information Act 2000 (the Act) is conditional upon satisfying the First Data Protection Principle, that processing be fair, lawful and transparent.

We recognise that there is a public interest in transparency and accountability in public decision making. We have balanced this against the privacy rights of the individual data subjects and the fact that this act of processing would not be transparent to them. On balance, we consider the detriment to privacy through disclosure outweighs the interest that would be served. Accordingly, disclosure would be in contravention of the First Data Protection Principle.

It is therefore appropriate for us to withhold this information under section 40(2) of the Act by virtue of section 40(3A)(a). Therefore we are exempting this part of the request under section 40(2) of Act by virtue of section 40(3A)(a) of the same Act.

We are withholding some of the information under s.43 (Commercial interests) of the Act.

This section states that “Information is exempt information 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 43 (2) of the Act provides an exemption from disclosure of information which would be likely to prejudice the commercial interests of any person (including those of the Council and other businesses).

A commercial interest can arise in a number of different circumstances. However, in broad terms, a commercial interest relates to any person's ability to buy or sell goods or services or to operate effectively without undermining its trading position. As this is a qualified exemption, we have considered the balance of public interest arguments for and against disclosure as required by the Act. The factors we considered are below:

**Factors for disclosure:**

- There is a public interest in transparency and accountability in public decision making and the affairs of the council.
- Disclosure would be likely to bring greater public understanding and awareness to the council's involvement in these types of contracts.
  - There is a public interest in the public and companies being able to see that a procurement process has been fair.

**Factors against disclosure:**

- Disclosure would, or would be likely to, undermine a third party's ability to compete for contracts on the open market (e.g. by revealing or allowing

competitors to work out commercially sensitive costs information that gives a company an edge).

- In addition, disclosing this information may harm our ability to negotiate future terms for this type of contract in the future and that would not be in the public interest.

Taking the likely prejudice outlined above into account, we are satisfied that the public interest in withholding this information in this respect outweighs the public interest in disclosure.

Please quote the reference number **8542721** in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an Internal Review. Internal Review requests should be submitted within 40 working days of the date of receipt of this response and should be addressed to:

[foicases@mail.brighton-hove.gov.uk](mailto:foicases@mail.brighton-hove.gov.uk)

or by post to the address at the top of this letter.

If you are still dissatisfied with the Council's response after the Internal Review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF.  
Telephone: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)

We will now close your request as of this date.

Yours sincerely

Information Governance Team

*Please note that due to the current Coronavirus (Covid 19) pandemic, we are unable to respond to or receive telephone calls or hard copy correspondence. Please contact us via email should you have any queries.*