

## Appendix 1

### Exemption Schedule Freedom of Information Request IR-2018-376

**Re: *"Please can you send me a detailed breakdown.....at the MIPIM Conference in London in October 2016.....promotional materials, displays....."***

The exemption 'Commercial Interests' as detailed in Section 43 (2) of the Freedom of Information Act is known as a qualified exemption which means it is subject to the public interest test as detailed in Section 2 of the Act. The purpose of this test is to establish whether the public interest in withholding the information outweighs the public interest in disclosing it.

### WHAT DOES THE ACT SAY?

Section 43 – 'Commercial Interests'.

- (1) Information is exempt information if it constitutes a trade secret.
- (2) 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).

### Public interest factors in favour of disclosure

- Release of the information would promote accountability and transparency. The purpose of the Act is to make public authorities more accountable and this factor, therefore, may be applied to a wide range of scenarios from how an individual or an authority fulfils their role or function;
- We recognise that the public interest is particularly strong in relation to the use of private sector suppliers by public sector organisations. Such suppliers engage their services in the knowledge that FOIA applies to public authorities.

**Public interest factors in favour of maintaining the exemption**

- Disclosure of the requested information could seriously jeopardise the suppliers' commercial value and significantly damage any ongoing or future negotiations on their part to sell their business;
- Armagh City, Banbridge & Craigavon Borough Council is a major purchaser of goods and services in Northern Ireland. The Council is dependent on the procurement of these services to ensure it continues to fulfil its functions across a number of departments through the delivery of events such as those which raise the Borough's profile and promote opportunities for investment and development within it to a UK and international audience. This helps Council to implement a vital strategy to support the development of several sectors including the local retail and business economies and to help enhance employment opportunities for the Borough's population. The Council is of the opinion that the release of this information into the public domain would impact on the commercial interests of the Council and its ability to procure services in the future;
- While such suppliers engage their services in the knowledge that FOIA applies to public authorities, that knowledge encompasses the fact that FOIA provides exemptions for, inter alia, the protection of suppliers' commercial interests.

It is my determination, in this specific instance, that the considerations in favour of release are outweighed by considerations in favour of maintaining the exemption. I am therefore refusing release of the information under Section 43 (2) of The Freedom of Information Act 2000.