



## **FREEDOM OF INFORMATION ACT 2000**

### **QUALIFIED EXEMPTION FROM DISCLOSURE OF DOCUMENTS/INFORMATION**

**Ref no: FOI 14/0875**

**Applicants Name:** Lee Turnbull

**Date of Request:** 30<sup>th</sup> July 2014

**Information sought:**

Q1. What computer software are you using for Highways Maintenance, Works Ordering and Inspections, how much are you paying per year, how many users are you licensed for, is this provided as Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?

Q2. What computer software are you using for Street Lighting Management, how much are you paying per year, how many users are you licensed for, is this provided as a Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?

Q3. What computer software are you using for UKPMS, how much are you paying per year, how many users are you licensed for, is this provided as a Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?

Q4. What computer software are you using for Street Works, how much are you paying per year, how many users are you licensed for is this provided as a Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?

Q5. What computer software are you using for Bridges/Structures, how much are you paying per year, how many users are you licensed for, is this provided as a Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?

Under the powers delegated to me by Caerphilly county borough council and having considered representation made to me by officers and third parties whose interests appear to be potentially affected or prejudiced, I have made the following decisions:-

### **Exemptions applying to the Information Sought**

#### **Section 43 of the Freedom of Information Act - Commercial Interest**

This section of the Freedom of Information Act sets out an exemption from the right to know, if the release of the information would or would be likely to prejudice (harm) the commercial interest of any person (a person may be an individual, a company, a public authority or any other legal entity and may include the commercial interests of the authority releasing the information). As this exemption is also a qualified exemption, a two-stage test would need to be applied in order to engage this exemption.

1. Prejudice which would or would likely result if the information were disclosed:

A disclosure under the Freedom of Information Act is not just a request to disclose the information to the applicant but a request to put the information in question into the public domain so that it is available to everyone.

As the software companies operate in a commercial environment, releasing details of their costs for software services into the public domain would put them at a competitive disadvantage, compared to competitors when tendering for other work.

2. The public interest test

It is acknowledged that there is a legitimate public interest in all aspects of how the Council operates (and in particular the financial aspects), but I consider that the public interest in disclosure is outweighed by the potential for damage to the commercial interests of the software companies currently employed by CCBC.

**Decision on exemption from disclosure:**

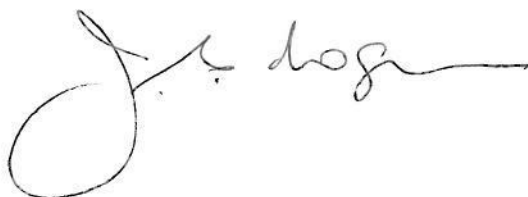
The S.43 – Commercial Interest exemption will apply to the contract cost information requested for the reasons stated above.

**Authorised Officer**

**Name:** John Rogers

**Position:** Principal Solicitor

**Signed:**

A handwritten signature in black ink, appearing to read 'John Rogers', written over a horizontal line.

**Date:** 2<sup>nd</sup> October 2014