

Ref: FOI / 5877

16th July 2025

Freedom of Information Act 2000 Request - Templemore Leisure Centre Tender

I refer to your FOI request and respond as follows:

Request

Access to all relevant documentation pertaining to the evaluation process, including evaluation panel notes, scoring sheets, and any other pertinent records, in so far as is permissible under procurement regulations and data protection laws.

Response

I must advise that Council holds the information you have requested but is of the view that exemptions apply to of the information.

Section 43 of the act allows a public authority, such as Derry City and Strabane District Council, to refuse to disclose information requested, if the request is with regard to information prejudicial to commercial interests. The Guide to Freedom of Information issued by the Information Commissioner advises that information is exempt from disclosure if complying with the request would prejudice or would be likely to prejudice someone's commercial interests.

Where the Council decides that the information requested is exempt from disclosure under Section 43 of the Freedom of Information Act 2000, it must apply, which is known as a public interest test. This requires the Council to decide whether, in all the circumstances pertaining to the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

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In applying the public interest test the Council give careful consideration to the arguments for and against disclosure. The arguments that were taken into account in favour of disclosure were:

- Promote accountability and transparency in relation to the Councils decisions and its spending of public money
- Assist the public to understand and challenge the Council's decision
- The specific circumstances of the cases and the content of the information requested in relation to those circumstances.
- Whether any of the information was already in the public domain; and
- The impact of disclosure upon individuals and the wider public.

The arguments which were taken into account in favour of maintaining the exceptions were:

- The specific circumstances of the cases and the content of the information requested in relation to those circumstances.
- The timing of the request.
- The amount of information already in the public domain.
- The impact of disclosure upon individuals and the wider public.
- The likelihood and severity of harm that disclosure might cause.
- The significance and sensitivity of the information.

Having taken into account the arguments for and against disclosure, and in particular the fact that this remains a live procurement exercise and the sensitivity surrounding a procurement process, the Council has decided that the public interest in this case is best served by maintaining the above exemption and by not disclosing the information requested.

The Council considers that the possible benefits of disclosure do not outweigh the potential prejudice if the documentation requested was disclosed at this particular time. The Council considers that at least some of the documentation may be able to be disclosed at a later date particularly following the conclusion of the procurement exercise, were you to renew your request at that time.

If you are dissatisfied with our response, you have rights of review and appeal; these rights consist of two review processes.

Firstly, our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel: 028 71253253 or email: john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would however advise that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely

Philip Kingston
Lead Legal Services Officer