

Barbara Dick
Spirit Media
Email: barbara@spiritmediaworks.co.uk

Ref: FOI/2016/7

19 July 2016

Dear Ms Dick

Thank you for your request dated 17 June under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for 'all documentation and tenders submitted, including scoring and correspondence, with regard to the provision of Media Planning & Buying for Food Standards Scotland.'

Response to your request

The information you have requested is attached to the email.

Some of the information you have requested, relates to the bid made by your own company. If you do not retain this information it is available from Public Contracts Scotland (www.publiccontractsscotland.gov.uk). Under section 25(1) of FOISA, we do not have to give you information which is already reasonably accessible to you. If, however, you do not have internet access to obtain this information from the website listed, then please contact me again and I will send you a paper copy.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because an exemption under section s.33(1)(b) (Commercial interests) of FOISA applies to that information. The reasons why that exemption applies are explained in Annex A to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Geoff Ogle, Chief Executive, Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review, and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your rights is available on the Commissioner's website at: www.itspublicknowledge.info.

Stuart Keith
Ministerial Correspondence Officer
Food Standards Scotland

REASONS FOR NOT PROVIDING INFORMATION

An exemption under section s.33(1)(b) Commercial Interests of FOISA applies to some of the information you have requested as disclosure would (or would be likely to) prejudice substantially the commercial interests of any person or organisation. Disclosing this information would be likely to give a Framework Provider an advantage in future similar tendering exercises, which would substantially prejudice another's ability to submit competitive tenders and so could significantly harm their commercial business.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open and transparent government, and to help account for the expenditure of public money. However, there is a greater public interest in protecting the commercial interests of companies which tender for contracts, to ensure that we are always able to obtain the best value for public money. In this case the three tender submissions contained details on the quality of the staff, systems, insights and methodologies for delivery of creative content, which form proprietary processes used to provide the service required. It is felt that disclosing this information could provide a competitive advantage and therefore is commercially sensitive.