

Our ref: [REDACTED]

[REDACTED]
via email



26 April 2018

Dear [REDACTED]

Thank you for your e-mail dated 26 May 2017 received under the terms of the Freedom of Information Act 2000. The specific details of your request have been extracted from your email and are highlighted in bold within the body of this letter.

In response to your Freedom of Information request –

Charging in Area 1 3 6 8 9 13 , " is charging using Appendix A to Annex . i am asking if Appendix A is used in the numbered areas what is not understood now

Appendix A to Annex 23 is not applied to contracts used for these Areas with the exception of Area 9 ASC.

Audits of Area 1 3 6 8 9 and 13 - "audits for the areas" i am clear. for the numbered areas i am asking for the audits for the companies that repair roads.

The Highways England Corporate Assurance team conduct audits that include the area service providers, regional teams and central teams (where applicable to the subject area). Copies of these reports are not being provided in reliance on the provisions of section 43 of the FOIA. Service provider and regional audit reports contain a high level of commercially sensitive data that, in the event of contract retendering, would prejudice the commercial interests of Highways England and its service providers.

In keeping with the spirit and effect of the legislation, all information is assumed to be releasable to the public unless exempt. We may therefore be publishing the information you requested, together with any related information that will provide a key to its wider context, via the [Gov.uk](http://www.gov.uk) website.

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at:
<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number [REDACTED] in any future communications.

Yours sincerely

[REDACTED]

Request for Audit Information	
FOIA Exemption S.43 (1) & (2) – Commercial Interests	
<i>Factors supporting disclosure</i>	<i>Factors supporting non-disclosure</i>
<ul style="list-style-type: none"> • There is a clear public interest in the work of government being closely examined to encourage the discharging of public functions in the most efficient and effective way; • There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse; • There is a strong public interest in releasing information which shows the government is monitoring the performance of its' service providers to ensure they are providing the public services they have been paid to perform. 	<ul style="list-style-type: none"> • Future procurement processes must be fair and commercial interests of the service providers are not unduly prejudiced by the release of commercially sensitive information. It is important to maintain the confidence of our suppliers in order to achieve best value for the tax payer; • Future audits of service providers must not be threatened by the potential public disclosure of information that could damage the service providers' reputational or commercial standing. Audits depend on frank and honest conversations with service providers and the public release of information may inhibit service providers to be open regarding errors and failures in future reports, diminishing Highways England's ability to monitor performance and contractors' value for money. • The methodology outlined in the audit reports may be construed as a "trade secret" in that it is a methodology owned and developed by the service provider. If the methodology was made available to competitors in the market place it would undermine the commercial interests of the service provider when bidding for future contracts by reducing their competitive edge; • Disclosure of audit reports of private companies could potentially demotivate potential service providers bidding in future procurement processes. This would restrict Highways England's ability to procure the service provider who offers best value for public money.
<p>Conclusion: there are compelling arguments which support withholding the information which outweigh those supporting release.</p> <p>PIT Members: Susan Standley, Gloria Frith</p> <p>Date of PIT: 26 April 2018</p>	