



Department
for Environment
Food & Rural Affairs

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Your ref:
Our ref: RFI 6911
Date: 5 December 2014

Dear

**REQUEST FOR INFORMATION: CONTRACT BETWEEN DEFRA AND LOCAL
PARTNERSHIPS (LP)**

Thank you for your letter of 22 September 2014, which we received on 24 September, requesting information about Defra's contract with Local Partnerships (LP). As you know we have handled your request under the Freedom of Information Act 2000 (FOIA). We apologise for the delay in responding.

Taking each of your requests in turn:

- 1) You asked Defra to confirm whether the details in a letter to you from LP, dated 20 August, were correct. We can only confirm details of information concerning LP's commercial arrangements with Defra and not with other bodies as we do not hold any such information relating to other bodies.

We can confirm that the details in respect of the contract with Defra are correct. This includes the date given for the start of the commission on operational savings, the figures given for fees paid to end July 2014 and the expected income over the first 48 months (the current contract ends on 31 March 2015).

- 2) You asked whether the contract between Defra and LP was advertised in accordance with the procurement regulations. The commission on operational savings was agreed under an existing contract between Defra and LP, which was extended from 01/04/2014. Advertising in accordance with the procurement regulations was therefore not necessary. However, the existing contract had been advertised in line with these regulations.
- 3) As requested, please find attached, a copy of the contract which sets out the description of the services for which the above sums were paid and the Contract Change Note (CCN) extending the contract.

We have withheld the names of junior officials in the contract on the basis that this is personal data. This personal data is being withheld in accordance with the exception in section 40(2) of FOIA. Section 40(2) of FOIA exempts from disclosure personal data relating to third parties where disclosure would breach the Data Protection Act 1998



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(DPA).

In this case, we believe that disclosure of the information would breach the first data protection principle in Schedule 1 of the DPA in two ways. First, disclosure would not constitute 'fair' processing of the personal data and, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 of the DPA. We do not consider that there is a legitimate interest in disclosure in this case. Release of names of junior officials would add nothing to the public understands of this matter and the public authority's accountability does not require release of names.

Other parts of the contract and the Contract Change Note have been withheld because they constitute commercially sensitive information which is exempt from disclosure under section 43(2) of FOIA.

We recognise that there is always a public interest in ensuring transparency in the dealings between the various participants in contracts of this nature, ensuring that best value for money is achieved. However there is also a strong public interest in ensuring that those who have dealings with Defra can do so in the assurance that confidential information will be respected where there is no valid justification for release. Placing commercially sensitive information in the public domain would cause harm to LP and Defra.

Therefore, we have concluded that, in all the circumstances of the case, the information should be withheld.

In keeping with the spirit and effect of FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact the address below.

Yours sincerely,

Defra FOIA and EIRs Team
InformationRequests@defra.gsi.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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

