

Exemption in full

Commercial interests.

- 43.** (1) Information is exempt information if it constitutes a trade secret.
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

Section 43 Public Interest Test

<i>Factors for disclosure</i>	<i>Factors for withholding</i>
<ul style="list-style-type: none"> • Disclosure would give transparency to the information being held by us 	<ul style="list-style-type: none"> • Companies have provided their consent for their names to be published on the JAUPT website but have not consented to DSA revealing the number of members they have or the size of the business • If specific details of named companies were published, it would prejudice them commercially by revealing to competitors the size of their business and the size of their market. Competitors would be able to estimate the turnover achieved through delivery of training. This could potentially have an affect on their business by weakening their position in a competitive environment • Release of this information could reveal details of the financial and business viability of a company • Rivals could misrepresent this information to discredit the training provider which again would impact upon the financial viability of the business and may lead to them no longer providing training. If sufficient trainers refused to deliver CPC, it could impact of the industry being able to complete required levels of training by required dates • Anonomised information should be sufficient to show the public the amount of courses being delivered without the need to disclose details of the provider
<i>Reasons why public interest favours withholding information</i>	
<p>On consideration of the arguments for and against disclosure, it is concluded that releasing information against named businesses would be against the public interest because it would commercially prejudice the business providing the training. This could lead to there being insufficient trainers available to deliver all the required training.</p>	