



Foreign &
Commonwealth
Office

FCO Services

Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

17 August 2015

Dear

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: FOI 0725-15

Thank you for your email of 20th July 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

I wish to submit a freedom of information request to the organisation with regards to their current recycling and waste support and maintenance contracts.

Examples of recycling contracts you could have:

- *Green Waste Disposal*
- *Household Waste Recycling Centres*
- *Refuse Recycling Street Cleaning*
- *Recycling Collection Services*

Examples of waste management contracts you could have:

- *Waste Development Environmental Assessment*
- *Waste Transfer & MRF (Materials recovery facility)*
- *Waste Disposal Landfill*
- *Bulky Waste*

For each of the types of contract above please can you send me :

1. *Contract Type- From the examples given above please state what type of contract this is. Please state other and type of contract if the type of contract is not listed above. In some cases the organisation will have one or two big contracts that is covered in a managed contract please state in the contract description what services the contract provides as well.*
2. *The supplier of the recycling or waste contract*
3. *What is the annual average spends for each of the suppliers. For those organisations with new contracts can you please specify the estimated spend?*
4. *A brief description of what the contract entails. Please to specific to the services provided under these contract(s). Please provide me with a few sentences.*
5. *What is the contract duration of the each of the contract(s)?*

6. *What is the start date of each contract(s)?*
7. *What is the expiry date of each contract(s)?*
8. *When does the organisation intend to review these contract(s)*
9. *Who is responsible for reviewing this contract please send me their full name, actual job title, contact number and their direct email address.*

Even if the organisation has a managed contract please can you send me all the contract information I have requested including the contact details.

If this contract has just been award within the last six months can you please send me information on the shortlist of suppliers that bid on the contract?

I am writing to confirm that we have now completed the search for the information which you requested. I can confirm that FCO Services does hold some information relevant to your request. There are currently 4 contracts that we have in place.

Green Waste

Supplier – Green Source Solutions

Annual Spend – Nil

Contract details – There is no formal contract in place, they are a not for profit organisation. The agreement is for the collection of used toner cartridges and the remanufacture of them. Any funds raised from this process are donated to a number of different charities and this also helps the environment. In 2014 we raised £12016 for charity by allowing Green Source Solutions to collect our used toner cartridges, reducing FCO Services waste and at zero cost. The duration, start, end and review dates are not applicable as there is no formal contract in place.

Scrap Metal

Supplier - A Goodman and Son

Annual Spend - Nil

Contract details - There is no formal contract in place. This is a local scrap metal merchant that supplies skips free of charge and pays for the scrap unclassified metal they collect. We sign an annual Controlled Waste Transfer Note which is in accordance with the requirements of the Environmental Protection Act 1990 - Duty of Care. This note covers all collections/exchanges of scrap metal during an agreed period, but this is not a contract it just allows the transportation of waste collected. The duration, start, end and review dates are not applicable as there is no formal contract in place.

Secure Disposals

There is a formal contract in place for the destruction and disposal of classified IT and equipment, which is carried out within a secure site. However the the provider and details of this contract are being withheld under section 24(1) (National Security) and section 31(1) (a) (law enforcement). Please see below for additional information.

There is also a formal contract in place to incinerate classified media and other items at a secure site, as well as providing bulk incineration. The provider and details of this contract are also being withheld under section 24(1) (National Security) and section 31(1) (a) (law enforcement). Please see below for additional information.

The value of these contracts is withheld under Section 43 (commercial interests) of the FOIA. Section 43 has been used to withhold information which is commercially sensitive.

Section 24

We acknowledge the public interest in openness and transparency, but we consider that there is also a public interest in FCO Services protecting national security.

Section 24 is a qualified exemption, which means that it is subject to a public interest test.

We acknowledge the public interest in openness and transparency, but we consider that there is also a public interest in FCO Services protecting national security. Having reviewed the requested material, we are concerned that disclosure of details about the contracted supplier and therefore the site/location of secure and classified waste would place the site and its employees at risk and consequently adversely impact on the UK's security. We have therefore concluded that the exemption applies and that non-disclosure serves the public interest better than release in this instance. For these reasons, we consider that the public interest in maintaining this exemption outweighs the public interest in disclosure.

Section 31

The exemption in section 31 (1) (a) is designed to cover all aspects of the prevention and detection of crime.

Section 31 is a qualified exemption, which means that it is subject to a public interest test.

We acknowledge the public interest in openness and transparency and we recognise that releasing this information would provide the public with assurance that we are protecting our equipment and media and that waste destruction is carried out under a strict witnessed process. However, disclosure of the information requested could aid criminals who may be intent on interception or targeted incursion which would threaten the safety of our providers. For the reasons set out above, we have assessed that the public interest in maintaining this exemption outweighs the public interest in disclosure.

For each of the contract types the contact details have been withheld under **Section 40** of the Freedom of Information Act which relates to personal information. The information you have requested is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle which, in our view, would be breached by disclosure. In such circumstances section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply

Section 43

Section 43(2) of FOIA exempts from disclosure information which would be likely to prejudice the commercial interests of any person. Section 43(2) is a prejudice-based exemption, so the test for exemption is whether or not the individual's commercial interests would be prejudiced by disclosure and again, it is subject to balancing the public interest. It is recognised that there is a general public interest in the disclosure of commercial information to ensure, for example: transparency in the accountability of public funds; proper scrutiny of government action; and the effective use of public money.

However, where disclosure would make it less likely that companies or individuals would provide the department with information in the future or where disclosure would make it more difficult for individuals to be able to conduct commercial transactions, or have future dealings with public bodies, without fear of suffering commercially as a result, these are factors that may weigh in favour of non-disclosure.

We considered the commercial interests of third parties and the benefit to the public for the release of this information. We also considered the impact that this may also have on our future business relationships. In considering this case and the details required, we consider that the public interest in favour of disclosing such information is outweighed by the obligation to protect the commercial interests of third parties. We have therefore taken the decision to withhold the information.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on gov.uk in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

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I hope you are satisfied with this reply. However, if you wish to make a complaint or if you would like a review of our decision, please write to the FOI and DPA Team, Foreign and Commonwealth Office, Room K4.14, King Charles Street, London, SW1A 2AH. E-mail: foi-dpa.imd@fco.gov.uk. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

FCO Services – Corporate Knowledge & Security Group



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