

Centre City Tower, 7 Hill Street, Birmingham B5 4UA  
21 Bloomsbury Street, London WC1B 3HF

By email

04 January 2017

Freedom of Information Act (FOIA)- Request For Information

Reference: FOI 142122016

Dear [REDACTED]

Thank you for your email in which you request:

**An electronic copy of the tender submitted by IRG Advisors LLP (T/A Odgers Berndtson), 20 Cannon Street London EC4M 6XD in response to the invitation to tender for Executive Search and Selection for the recruitment of 3 Non-Executive Directors that resulted in award of a contract valued at £53k on 28 February 2016.**

Ofwat confirms it does hold the information requested and I have attached a redacted copy of the tender with this letter. Ofwat considers that some of the information contained within the tender is exempt from disclosure. The exemptions that apply are:

Section 40(2) – Personal Data

This exemption applies because Ofwat considers that it would be a breach of the Data Protection Principles to disclose personal data without consent of the relevant data subjects. In accordance with Principle 1 of the Data Protection Act (DPA), personal data should be collected fairly and lawfully and meet a condition in schedule 2 of the DPA. We feel that disclosure of personal data in relation to some of the information contained within the tender would breach this principal.

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#### Section 41- Information provided in confidence

Information contained within the tender document was supplied by the contractor for the purposes of supporting their tender bid and was given in confidence. Following consultations with the company involved Ofwat can confirm that the disclosure of certain information held could lead to an actionable breach of confidence by the contractor. This exemption is an Absolute exemption and is not subject to a public interest test. We therefore consider this exemption engaged.

#### Section 43 – Commercial Interests

Ofwat has considered the position of the commercial interest of the contractor and following consultation we have redacted any commercially sensitive information contained within the tender document.

#### Public Interest Test

As Section 43 is a qualified exemption Ofwat has to consider the public interest test. There is a clear public interest in disclosing information that helps the public to understand the way a public authority works. Ofwat believes that the disclosure of any financial data relating to the contractor's commercial interest could lead to reputational damage for both parties and also affect the contractor's commercial activity for future tenders.

We therefore deem this exemption engaged.

If you have any queries or concerns with regard to the content of this email please do contact me, quoting the reference number.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, Ofwat may publish the response and any material released on our website in the [FOI disclosure section](#). Any personal information in the letter will be removed before publishing.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, please contact:

Freedom of Information/EIR Provide the Information

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Centre City Tower, 7 Hill Street, Birmingham B5 4UA  
21 Bloomsbury Street, London WC1B 3HF  
Programme and Project Management Office  
Ofwat  
Centre City Tower  
7 Hill Street  
Birmingham B5 4UA  
[mailbox@ofwat.gsi.gov.uk](mailto:mailbox@ofwat.gsi.gov.uk)

If you are not happy with the outcome of that review you can ask the Information Commissioner's Office to consider your complaint. Generally, the ICO will not make a decision unless you have exhausted Ofwat's complaints procedure. The ICO can be contacted at:

<https://ico.org.uk/>

or

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow

Yours sincerely,

Christine Manise  
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Programme and Project Management  
Ofwat  
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Birmingham B5 4UA