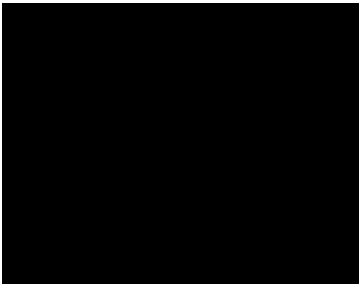


Centre City Tower, 7 Hill Street, Birmingham B5 4UA  
21 Bloomsbury Street, London WC1B 3HF



30 August 2017

Freedom of Information Act 2004 - Request For Information

Reference: FOI 20170871

Dear 

**Further to your request for information please find enclosed a USB memory stick containing some of the information requested.**

I can confirm that some of the information is being withheld under the Freedom of Information Act 2000.

The exemptions applied in this instance are: Section 40 (2) Personal data; S41 Information Provided in Confidence and Section 43 Commercial Interests.

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 of individuals where we do not have permission to disclose. 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 the disclosure of those individuals representing the bidding organisations would breach this principle without their consent. This exemption is an Absolute exemption and is not subject to a public interest test. Ofwat therefore considers this exemption engaged.

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## Section 41 – Information Provided in Confidence

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

## Section 43 – Commercial Interests

Ofwat has considered the position of the commercial interest of the contractor and those companies involved in the bidding process. Following consultation Ofwat has 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 to understand the way a public authority works and how it spend public money. However, Ofwat believes that the disclosure of any financial data relating to the contractor's commercial interest could lead to reputational damage for all parties and also affect the contractor and those companies involved regarding their commercial activities for future tenders.

Ofwat therefore deem this exemption engaged.

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. We will hold the information in accordance with Ofwat's [retention and disposal schedule](#) which can be found in our Publication Scheme on our website.

Freedom of Information/EIR Provide the Information

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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:

Programme and Project Management Office

Ofwat

Centre City Tower

7 Hill Street

Birmingham B5 4UA

[FOI@ofwat.gsi.gov.uk](mailto:FOI@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,

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

Christine Manise

Senior Associate, Freedom of Information

Programme and Project Management

Ofwat

Centre City Tower

7 Hill Street

Birmingham B5 4UA