



Derry City & Strabane
District Council

Comhairle
**Chathair Dhoire &
Cheantar an tSratha Báin**

Derry Cittie & Stràbane
Destrict Coouncil

Ref: EIR / 708

24 August 2016

Mr
The Detail
Callender House
58-60 Upper Arthur Street
Belfast BT1 4GJ

Email: @belowtheradar.tv

Dear Mr

Environmental Information Regulations 2004 Request Waste exported by the Council 2015/2016

I refer to your EIR request as above and attach excel spreadsheet in part response. I would inform you that we have been in touch with our current contactor, RiverRidge Recycling regarding this request and they have responded that they consider this information to be commercially sensitive and should not, under any circumstances, be disclosed to the party whom made the FOI request and as such they have asked that we refrain from disclosing any element of their contract. RiverRidge Recycling have therefore requested we invoke Regulation 12(5)(e) of the Environmental Information Regulations which states:

12.—(5) a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest

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98 Strand Road
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Amongst the reasons given by RiverRidge to justify their request for non-disclosure of their contract information include:

1. If this information were to be released it would damage their business. The provision of services for this type of contract is highly competitive and disclosing one competitor's commercially sensitive data would give the other competitors an unfair advantage in future competitions; no wider public interest is served in the disclosure of the commercially sensitive information.

In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure. The arguments that were taken into account in favour of disclosure were:-

- Promote accountability and transparency in relation to the Council's decisions and its spending of public money;
- Assist the public to understand and challenge the Council's decisions;
- The specific circumstances of the case and the content of the information requested in relation to those circumstance;
- Whether any of the information was already in the public domain; and
- The impact of disclosure upon individuals including River Ridge and the wider public.

The arguments which were taken into account in favour of maintaining the exception were:

- The specific circumstances of the case and the content of the information requested in relation to those circumstances;
- The impact of disclosure upon individuals (including RiverRidge) and the wider public; and
- The likelihood and severity of harm that disclosure might cause.
- The significance and sensitivity (particularly the commercial sensitivity) of the information.
- The likelihood that disclosure might impact on Council's ability to enter into commercially sensitive arrangements.

Having taken into account the arguments for and against disclosure, and having considered the representations of the contracting party, the Council has decided that the public interest in this case is best served by maintaining the exception provided under Regulation 12(5)(e) and by not disclosing the information requested.

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If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes.

Firstly our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel 028 71253253 or email john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

Yours sincerely

Head of Environment

Enc



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