



[REDACTED]

03 January 2024

Dear [REDACTED]

Freedom of Information request: FOI2023/00977

Thank you for your Freedom of Information request received on the 11 December in which you requested the following:

Your request:

*Design and Construction Works Framework
Mary Lyon Centre-MRC Harwell*

I am writing to request a project directory which includes a list of subcontractors, suppliers and consultants & telephone numbers involved in the works to be carried out on existing facilities as well as design and construction of new research and support facilities.

The works planned for the MRC Harwell site form part of this activity as well as the principle plant replacement to maintain our facilities at the highest possible standard for the science that is undertaken.

The works and services covered under this framework will include design and construction works on all or some of the MRC Harwell facilities. MRC is seeking to appoint contractors with design capability and with knowledge of and experience with highly complex research facilities.

Our response

I can confirm that UK Research and Innovation (UKRI) hold information relevant to your request. Please see the information below.

The information you have requested falls under the exemption at section 43(2) commercial prejudice of the FOI Act. This exemption is used where disclosure would likely result in a person's (an individual, a company the public authority itself or any other legal entities) commercial interests being prejudiced. This is a qualified exemption, meaning that a test was carried out to determine whether the public interest outweighs the requirement for commercial confidentiality.

Public interest in favour of disclosure

- There is a general public interest in the disclosure of this information to ensure transparency and openness of a public organisation.
- There is also a public interest in transparency in order to ensure the accountability of public organisations and how they spend public funding.

Public interest in favour of withholding the information

- There is a public interest in protecting commercially sensitive information including business plans such as design and construction of new research and support facilities. The collaboration agreement contains commercially sensitive information such as pricing information, methods, and details of the work to be undertaken, which if released may harm the ability of the parties involved to compete for future commercial opportunities.
- We also considered the impact on UKRI if commercially sensitive information of those that we work closely with were disclosed. We believe it would damage the trust in UKRI and likely impact our ability to carry out our role and manage our current and future investments.
- Releasing information provided in confidence to UKRI is likely to damage the possibility of ongoing relationships with other organisations. Relationships may become untenable if third parties cannot be certain that their commercial information will remain confidential when held by UKRI.
- Breaching the commercial interest may also adversely affect future negotiation opportunities for UKRI. UKRI may be seen as a 'confidentiality' risk if it routinely releases information relating to business arrangements into the public domain, particularly where this is third party information.
- Taking the above arguments into consideration, we reached the decision that the need for commercial confidentiality outweighs the public interest in disclosure, therefore the information is exempt from disclosure.

We also consider that releasing the information requested falls under the exemption at Section 38(1)(b) of the FOIA – where disclosure would, or would be likely to endanger the safety of any individual, as we consider that disclosure would, or would be likely to endanger the safety of individuals. Section 38 is a qualified exemption and requires UKRI to consider whether the public interest in maintaining the exemption outweighs the public interest in its disclosure.

Public interest in favour of disclosure

- It would promote accountability and transparency by public authorities for decisions taken with regard to public expenditure.
- It would promote accountability and transparency in allowing individuals, organisations and other bodies to understand decisions made by public authorities about research involving animals.

Public interest in favour of withholding the information

- The disclosure of information relating to organisations or individuals conducting work within animal research facilities may put the safety of individuals at risk.
- Disclosure of the identified information into the public domain would make it available to individuals or organisations that may use this information to disrupt operations being conducted, or to target individuals or groups of suppliers by subjecting them to either physical harm or verbal harassment.
- UKRI has an obligation to protect information that may endanger the safety of individuals and organisations and ensure there is no harm from the release of information.
- Disclosure is likely to draw attention that is unwarranted, stressful or harmful to individuals that would be likely to endanger their safety.

We have therefore concluded, taking the above arguments into consideration, that the public interest in maintaining the exemption outweighs the public interest in disclosure; therefore the information is exempt from disclosure.

We are also exempting the contact details under section 40(2) of the FOIA. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption and does not require a public interest test

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact within the next 40 working days:

Head of Information Governance

Email: foi@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: www.ico.org.uk.

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,


Information Governance
Information Rights Team
UK Research and Innovation
foi@ukri.org | dataprotection@ukri.org