



[Redacted]

26 May 2022

Dear [Redacted]

Freedom of Information request: FOI2022/00118

Thank you for your Freedom of Information request received on the 28 March in which you requested the following:

Your request:

I would like to make the request relating to the award notice below:

<https://www.contractsfinder.service.gov.uk/Notice/29214f96-ecfb-4831-83be-c111488100f1>

Could you please provide me with a copy of the order forms for the contract awards? I'm aware some parts may need to be redacted due to commercial reasons, this is completely fine. I'm more interested in the specifications, for example, the buyer and supplier's responsibilities, any alternative clauses, specific amendments etc.

If any part of this request is outside the scope of the FOIA, please answer what you can and advise and assist on the best way to uncover this information.

Could I please get a reference number with this request?

Our response

I can confirm UK Research and Innovation (UKRI) hold some information relevant to your request. Please see the contract attached at FOI2022_00118 DDaT21382 G-Cloud 12 Call-Off Contract.

I can confirm there are no specification documents given the nature of the contract; it is a framework for an 'off the shelf' (G-cloud) Workday Learning License. Supplier responsibilities are detailed in the attached contract, and Schedule 4 of the contract states that alternative clauses were not applicable.

Please note information has been redacted from the attached contract. This is because we believe the redacted information falls under the scope of Section 43(2) of the FOIA. 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.

- It would be in the public interest to view the full contract as public monies are used to fund this activity. As this is the case it is important that the contract has a positive impact and is beneficial to all parties involved. Seeing copies of the full contract enables the public to independently assess the impact of contract.

Public interest in favour of withholding the information

- 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
- Contracts contain information commercially sensitive to the supplier such as detailed pricing information, methods, IP etc, which if released may harm their ability to compete for future commercial opportunities.
- Contracts contain information that the supplier would not anticipate UKRI releasing into the public domain.
- We follow the government guidance on [managing public money](#)¹[1]. Standards expected of all public services include integrity, reliability, spending money in the public interest and achieving value for money. Our current thorough process ensures that only the best contracts receive public monies. Releasing this information could jeopardize the fair and transparent competition process and undermine our function to fund the best contracts. In turn, undermining this process would go against our responsibilities to manage our use of public funds.

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 are also exempting the names and 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:

Head of Information Governance

Email: foi@ukri.org or infogovernance@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

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742188/Managing_Public_Money_MPM_2018.pdf

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