

Wednesday 2 August 2016

Dear,

**ATISN 10549 – Physio Services tender**

Thank you for your request which I received on 1 July 2016 about the National Procurement Service's occupational health & associated service framework agreement.

You requested under the Freedom of Information Act, for a copy of the winning tender documents from Lot 4 Additional Health Services, Physiotherapy Services for the two regional zones where you were unsuccessful.

I have decided that the information requested is exempt from disclosure under section 43 (Commercial Interests) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [FreedomOfInformationOfficer@wales.gsi.gov.uk](mailto:FreedomOfInformationOfficer@wales.gsi.gov.uk)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

## Annex 1

I have decided to withhold the following information:

| Information being withheld                                                                                                                                                           | Section number and exemption name   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Tender documentation of the winning bidders within Lot 4 of the National Procurement Service's framework agreement for the provision of occupational health and associated services. | Section 43 (2) Commercial Interests |

This Annex sets out the reasons for the engagement of section(s) **43** of the **Freedom of Information Act** and our subsequent consideration of the Public Interest Test.

### **Engagement of section 43 (Commercial Interests) of the Freedom of Information Act**

The Welsh Government believes that **the commercial information contained within the tender documents requested** should be exempt from disclosure. **Disclosure of the requested information would prejudice the commercial interests of the successful bidders in question.**

### **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption(s), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

#### **Public interest arguments in favour of disclosure**

None

#### **Public interest arguments in favour of withholding**

The information requested would compromise the commercial interests of the suppliers in question by making public their full tender submissions.

The requestor has already been provided with a full breakdown/feedback in regards to their lack of success in this particular element of the tender process, including a comparison of their scoring against the winning bidders.

#### **Balance of public interest test**

The balance of public interest lies in favour of withholding the information, we have therefore decided to withhold the information requested.