



Information Governance Team

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Dear Sir/Madam.

**Freedom of Information Act 2000 (FOIA)
Request ID: REQ06184**

Thank you for your request for information relating to Private Finance Initiative (PFI) schemes.

You have requested the following information:

Please can I request under the Freedom of Information Act the following information in relation to the Private Finance Initiative contract(s) struck by yourselves (or your predecessor organisations):

- 1. For each contract, the projected total (whole life) cost of the scheme, in £, detailed when the scheme was first agreed (i.e. the original projected cost of all Unitary Charge Payments over the full life of the scheme).**
- 2. The projected total (whole life) cost of the scheme, in £, as at August 1, 2019 (i.e. the real cost for previous years and projected cost for future years of all Unitary Charge Payments over the full life of the scheme).**

If there is a difference between questions 1 and 2, please can you provide details of:

- a. The date(s) the projected costs changed**
- b. The reason(s) the projected costs changed**

For questions 1 and 2 following careful consideration, the information you requested falls under the exemption(s) in Section 21 of the Freedom of Information Act 2000, which relates to 'information reasonably accessible to the applicant by other means.'

The exemption applies as the information is published and publicly available to view by accessing the Council website. The latest reported information on Coventry City Council's PFI schemes can be found in note 3.28 within the Statement of Accounts 2018/19 please use the following link:

https://www.coventry.gov.uk/info/2/budgets_and_spending/116/statement_of_accounts

We therefore do not have to provide the information as per Section 21 of the FOIA.

3. A copy of the original contract/agreement.

It is confirmed that the Council does hold information pursuant to your request. However, it is our view that the information is exempt from disclosure under the following exemptions in the FOIA:

SECTION 43(2) – COMMERCIALY SENSITIVE INFORMATION

Section 43(2) exempts information from disclosure where disclosure of that information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

It is the Council's position that the third-party's and its own commercial interests would be prejudiced and/or would be likely to be prejudiced by the disclosure of the requested information.

The exemption at s 43(2) is qualified, and therefore subject to a public interest test. Even where a qualified exemption is engaged it can only be applied where the public interest in withholding information outweighs that in favour of releasing it. In applying the public interest test the Council have given careful consideration to the arguments for and against disclosure.

Part 1 – Arguments in Favour of Disclosure

1. Promote accountability and transparency for the Council's decisions and in its spending of public money
2. Assist the public to understand and challenge our decisions
3. Inform the public of the activities carried out on their behalf, allowing for more user involvement and collaborative decision making
4. Enable the public to better scrutinise the public monies spent
5. Help to ensure clarity around fairness, equity, value for money and quality of care in the processes

Part 2 – Arguments Against Disclosure

1. There is a public interest in allowing public authorities to withhold information which if disclosed, would reduce providers' ability to compete in a commercial environment, for the reasons given above
2. Agencies operate in a competitive market. If prejudicing the commercial interests of the successful tenderers in the market would distort competition in that market, this in itself, would not be in the public interest

3. There is a public interest in protecting the commercial interests of individual companies and ensuring they are able to compete fairly
4. Disclosure of information may cause unwarranted reputational damage or loss of confidence in the Council
5. Revealing information such as a pricing mechanism can be detrimental to a provider's commercial interest. If an organisation has knowledge of a provider's business model, it can exploit this for its own commercial interest. This would also have a detrimental impact on the Council on other contracts and procurements by distorting the market, for the reasons stated above

The Balancing Exercise

Having taken into account the arguments for and against disclosure, the Council has decided that the public interest in this case is best served by maintaining the exemption under section 43(2) FOIA and by not disclosing the information requested.

4. An itemised list of any payments made to the PFI contractors for services not included in the original PFI deal, from the beginning of the deal to the current date, and to include exact details of what was being paid for.

We can confirm that no payments have been made to the PFI contractors for services not included in the original PFI deal.

The supply of information in response to a freedom of information request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email casework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours sincerely

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