



**Money &
Pensions
Service**

By Email Only

7 March 2022

Freedom of Information Ref No. FOI74/DG.

Dear Mr. Gibbons,

Thank you for your Freedom of Information request received on 14 January 2022.

You asked the Money and Pensions Service the following:

“Could you therefore take this email as a request for any board papers and/or management papers which did discuss how the budget for debt advice was to be allocated between the different lots.”

Money and Pensions Service Response:

I can confirm MaPS holds information relevant to your request but some of the information is exempt under the Freedom of Information Act (FOIA). I have supplied the information we can legally disclose in a separate document enclosed with this letter. All of the information that is exempt under the FOIA has been redacted and the reason for this is explained in this letter.

Section 40(2) of the Freedom of Information Act states I am unable to disclose staff members details which are not available in the public domain, and to do so would contravene the data protection principles, therefore all personal details have been redacted in the letter.

With regards to the information you have requested, we believe it is not in the public interest to disclose all of the information you have asked for and reference exemption FOIA section 43. This is because we are not able to release the commercially sensitive information. We believe disclosing this information would fail to protect the commercial interests of those parties involved and would compromise an existing competitive market environment.

Exemption section 43 of the FOI Act exempts information which if disclosed, would be likely to prejudice the commercial interests of any person. It protects not only the commercial interests of third parties but also the commercial interests of the organisation. It can be used to protect the ability of a public authority like MaPS to obtain goods or services on the best possible commercial terms, and to protect the legitimate commercial interests of its suppliers. As required by the FOI Act the use of this exemption requires the public interest for and against disclosure to be assessed.

Public interest arguments for disclosure

Generally speaking, there is a public interest in the disclosure of commercial information to ensure transparency in procurement of services, accountability of public funds, and to show how that public money is being used effectively.

Money and Pensions Service

120 Holborn, London EC1N 2TD t: +44 (0)115 9659570 w: MoneyAndPensionsService.org.uk





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Public interest arguments in favour of maintaining the exemption

Conversely, there is a public interest in ensuring that disclosure does not compromise an existing competitive market environment. Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have access to this information beyond the requestor and the purposes for which they could use the information. Furthermore, disclosure of commercial information without appropriate safeguards has significant potential to impact upon the willingness of third parties to deal with MaPS in the future. If third parties were unwilling to engage with MaPS this would be likely to be prejudicial to achieving best value and securing the most advantageous services for the public.

Given these considerations, we have determined that sharing all the details you have requested would potentially put those interested parties involved at a commercial disadvantage as it would be likely to prejudice any negotiations, they have in relation to the current Debt procurement exercise. For this reason, MaPS believes that the public interest weighs in favour of maintaining this exemption, and we are satisfied we have met our obligations and have provided sufficient information so as to be open, transparent and maintain fairness.

I hope this information is helpful. If you have any queries about my response to your request do not hesitate to contact me. Please remember to quote the reference number above in any future communication.

Yours sincerely,

Joy Otache
Complaints & Freedom of Information Officer

Encl. Annex FOI74

Your right to complain under the Freedom of Information Act

If you are not happy with this response you can ask for an internal review by e-mailing foi@maps.org.uk or by writing to Money and Pensions Service, 120 Holborn, London, EC1N 2TD. Any review request should be sent within two months of the date of this letter.

If you are not content with the outcome of an internal review you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted our own complaints procedure.

The ICO can be contacted at: Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF
<https://ico.org.uk/global/contact-us/> or telephone 0303 123 1113 or 01625 545745

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