

Case Study



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Home owners access information about the cost of works billed to them by the local council.

Brian Ross and David Smith are members of Pentland Homeowners Association. The Association has made three applications to the Commissioner concerning requests made to Dundee City Council following its dissatisfaction with the cost of re-roofing work carried out on members' homes, which are ex-council houses.

The freedom of information legislation allows information to be withheld where its release would cause substantial harm to an organisation's commercial interests.

In Mr Smith's case the Commissioner accepted that the Council did not hold some of the information he had requested, but ordered it to release other information about works at Tullidelph Rd. The information had been submitted to the Council by the successful contractor, as part of the tendering process, but the sensitivity of the information had declined over the passage of time.

The Commissioner's decision on the second case, which was the subject of an application by Mr Ross, supported the Council's notice that it did not hold information about the annual surplus generated by Dundee Contract Services (DCS), the Council's internal contracting division, including the proportion of this income which was generated from work billed to the owners of ex-council houses.

In the third and most recent case, Mr Ross had made a request to the Council for the bill of quantities for re-roofing works at Greenbank Place. The Council refused to disclose the information, claiming that its release would damage both the Council's own commercial interests and those of DCS, which had been appointed to carry out the works. The Commissioner, however, did not accept that the Council, as a public authority, held commercial interests which would be damaged by the release of the information. With regard to the commercial interests of DCS, the Commissioner found that the bill of quantities did not reveal how DCS had calculated costs or profit margins, nor did it contain information about suppliers of component materials. As a result, he found that release would not substantially harm DCS's commercial interests, and therefore ordered the release of the information.

Please note that this decision is still in the compliance period: Dundee City Council must release the information to the applicant or it may appeal the decision to the Court of Session within 45 days of issue.

Download the full decision here:

<http://www.itspublicknowledge.info/applicationsanddecisions/Decisions/2008/200700060.asp>

For more information please contact the Policy & Information Team on 01334 464610.