

# Advice to Contractors



FOI applies to all information held by public bodies. It also applies to specifically designated private companies that perform public functions but not to other private companies (see the [DCA website](#)). However, all of the information that London Metropolitan University holds about your company is covered by FOI, as is any information that you hold on London Metropolitan University's behalf.

**Q If I give London Metropolitan University information on my products or services, will this be subject to the Freedom of Information Act?**

A Yes, but that does not mean it will automatically be released if it is requested, as one of the exemptions may apply. We will seek your views before making a decision on disclosure of information that might affect your rights or interests

**Q My Company holds information on behalf of London Metropolitan University. How am I affected?**

A If London Metropolitan University gets a request for Information that includes information you hold on our behalf, we will ask you to provide it quickly so that we can comply with FOI.

**Q What if a Request for Information comes direct to my company?**

A You have no obligations to respond to such a requests since FOI does not apply to your organisation. If the request relates to information that you hold on behalf of London Metropolitan University, you should not in any case disclose it without our explicit agreement.

To be helpful to the requester, if the information requested relates to London Metropolitan University, you should advise that the request should be submitted to London Metropolitan University.

**Q Are there any exemptions that allow London Metropolitan University to refuse to supply information?**

A FOIA provides for two types of exemption: *Absolute Exemptions* and *Qualified Exemptions*.

Where information is covered by an *Absolute Exemption*, London Metropolitan University may refuse to release the information and, in some circumstances, can refuse to confirm or deny whether we hold the information.

Where *Qualified exemptions* apply, London Metropolitan University has to undertake a public interest test to decide whether it is in the public interest to disclose or withhold it.

**Q Could information I supply to London Metropolitan University be protected by having a confidentiality clause in contracts or by providing the information in confidence?**

**A** Confidentiality clauses are discouraged under the FOI unless there are genuine commercial and/or legal reasons why the information should be treated as confidential.

Information provided in confidence is only exempt if its disclosure would give rise to an actionable breach of confidence. This is a narrow legal exemption, which applies in limited circumstances and you should not assume that this exemption will apply just because you think information is confidential.

If you consider that information that you provide to London Metropolitan University is confidential, you should identify the information and provide reasons why you consider the information to be confidential under the FOI.

**Q What will London Metropolitan University do if it receives a request for information that might affect my company?**

**A** When considering requests, London Metropolitan University will consult you about information that may affect your rights or interests, unless we are already certain that we must or must not disclose it. This consultation will help us to decide if an exemption applies and what the considerations are in applying a public interest test about information disclosure. However, the law makes London Metropolitan University alone, responsible for making the final decision regarding disclosure.

**Q What happens to tender information after contract is awarded?**

**A** Information that was commercially sensitive during the tendering process may no longer be sensitive once contracts have been signed, therefore London Metropolitan University will consult with you to determine its disclosure as in the previous answer.

**Further guidance can be obtained:**

[DCA website](#)

[Information commissioner Website](#)