

## REASONS FOR NOT PROVIDING INFORMATION

We do endeavour to provide all information whenever possible. However, in this instance exemptions under section 33(1)(b) (Commercial Interests) and section 38(1)(b) (Personal Information) of FOISA apply to some of the information requested.

Disclosure of some of this information is withheld under s33(1)(b) [Commercial interest], as disclosure of it is likely to prejudice substantially the commercial interest of the bidders and the Scottish Government. As these exemptions are conditional we have applied the public interest test' to the information. This means we have, in all circumstances of this case, considered if the public interest in disclosing the information outweighs the exemption. We have found that, on balance, the public interest lies in favour of upholding exemption. We recognise there is a public interest in having transparent tendering processes. On the other hand, commercially sensitive information will be made public, and it is likely to damage the commercial interests of the companies whose information is released. This, in turn, could mean that the Scottish Government may be unable to generate genuine and effective competitive tendering processes, and that, in our view, would not be in the public interest.

Finally, parts of the tender documents are also exempt from disclosure under s38 (1)(b) of the Act [Personal Information], which does not require consideration of the public interest test.

You will find full details of the exemptions that I consider apply to the information you requested at [www.legislation.gov.uk/asp/2002/13/contents](http://www.legislation.gov.uk/asp/2002/13/contents).

Redacted versions of the quality submissions for Harvey Nash Scotland for the Framework for the Provision of Interim IT Staff Services – National, and Framework for the Provision of Interim Professional Staff Services – National.



FOI\_19\_01386 -      FOI\_19\_01386 -  
Harvey Nash InterimHarvey Nash Interim

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