

## Annex

An exemption under section 33(1)(b) (commercial interests and the economy) of FOISA applies to the following information you have requested:

4. Average total fee per Trust Deed and Sequestration charged/received by a Trustee.

Information on section 33(1)(b) is provided below:

“33 Commercial interests and the economy

(1) Information is exempt information if—

a) It constitutes a trade secret; or

b) Its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including, without prejudice to that generality, a Scottish public authority).”

The reasons for this exemption being applied are:

- the information requested could give a commercial advantage to an organisation considering tendering for AiB's Insolvency Service Framework contract, by enabling them to assess their potential income from our current contract, and hence determine their tender fee amounts, thus prejudicing other potential bidders; and
- the information could be used by the requestor to gain an advantage in the market place by allowing competitors' fees to be undercut in order to generate business, thereby harming their competitors' commercial interests.

This exemption is subject to the 'public interest test'. We have considered this carefully and our conclusion is that the public interest lies in favour of upholding the exemption. Case related fee information, even provided on mean or average basis, is commercially sensitive and has the potential to distort or influence future procurement exercises which may have consequential impact on public sector funding and potentially harm competitors' commercial interests.