

Annex 3 – Exemptions

Section 33(1)(b) (substantial prejudice to commercial interests) of FOISA applies to some of the information contained in Annexes 1 and 2.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in release. However, this is outweighed by the public interest in preserving the business discretion of the surveyed organisations with regards to developing initiatives.