

FOI 17-005

27 April 2017

Dear

REQUEST FOR INFORMATION – *Information relating to cleaning services*

Thank you for your request for information. As Museum Secretary for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your email of 22 March 2017, in which you asked for the following information:

- *Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages**
- *Scope and range of services provided*
- *Contract values of each framework/contract (& any sub lots), year to date*
- *Start date & duration of framework*
- *Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?*
- *Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?*
- *Who is the senior officer (outside of procurement) responsible for this contract?*

**For clarity, the details of the successful and unsuccessful suppliers are kept in the strictest confidence. These details are used only to contact and support suppliers regarding their bidding activity for the relevant contracts.*

In your email of 10 April 2017 you clarified your request as follows:

In regards to my request, by cleaning services I refer to the contract that National Welsh Museums has in place for Cleaning activities including daily cleaning, periodic cleaning tasks etc.

Rydym yn croesawu gohebiaeth yn y Gymraeg.
We welcome correspondence in Welsh.

Amgueddfa Cymru – National Museum Wales

Parc Cathays / Cathays Park

Caerdydd / Cardiff

CF10 3NP

Ffôn / Tel. (029) 2039 7951

Elusen Cofrestredig / Registered charity: 525774

Rhif TAW / VAT number: GB 783 4541 10

RESPONSE

Whilst we note the last point in your request relating to maintaining confidentiality, I must inform you that the Museum is not obliged to supply the information you have requested due to the information being exempt under the Freedom of Information Act, and the Data Protection Act 1998.

The exemptions applicable to the information are:

Section 43(2) – Commercial Interest

Section 43(2) of the Freedom of Information Act 2000 exempts information the disclosure of which would be likely to prejudice commercial interests. Although S.43 is subject to the public interest test, to which we have given careful consideration, we have decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This exemption applies because the disclosure of the requested information would be likely to prejudice the commercial interests of Amgueddfa Cymru.

The information you have requested was also considered under the Freedom of Information Act is exempt from disclosure under Sections 40(2) (information contains personal data)

Section 40 (2) FOIA – Personal data exempt from disclosure

The information requested amounts to personal data and is exempt under section 40(2), FOIA, as disclosure, without the consent of the individuals to whom it relates, to a member of the public otherwise than under the FOIA would breach the first data protection principles. This exemption is absolute and is not subject to the public interest test. Therefore, the information requested is exempt under FOIA section 40(2) and will now be reviewed under the Data Protection Act 1998 (DPA).

Data Protection Act 1998 (DPA)

Section 1(1) DPA – meaning of “personal data”

Information relating to the personal contact details of individuals included within the correspondence is personal data within the meaning of the DPA.

Part I of Schedule 1 DPA – first data protection principle

In our view, the disclosure of personal data to a third party would be unfair within the meaning of the first data protection principle. Part II of Schedule 1 to the DPA sets out how the principle of fairness is to be interpreted. It states that, in deciding whether personal data is processed fairly, regard must be had to whether any person from whom it was obtained is deceived or misled as to the purpose or purposes for which they are to be processed. In this case, the identity and personal contact details of the correspondents were provided for the sole purpose of completing negotiations around

the contract, and for this reason, the principle of fairness, disclosure of the personal information would be unfair as the individual only provided the information for that purpose and not for public publication and for that reason the information is being withheld.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

Your request was considered according to the principles set out in the National Assembly's Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first-stage review. If, after that, you are still not satisfied you may request a formal review by Amgueddfa Cymru. When dealing with any concerns, we will follow the principles of the National Museum of Wales's Code of Practice on Complaints, which is available on our website at <https://museum.wales/freedom-of-information/publications-scheme/> or by post from:

Mr. Neil Wicks
Director of Finance and Corporate Resources
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
CF10 3NP

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

I apologise that Amgueddfa Cymru cannot assist you with your request but if you have any further queries or concerns then please contact me via my email address.

Yours sincerely

Elaine J Cabuts
Museum Secretary