

Annex A - DE/2024-0019 – Public Interest Test

Exemption in full: FOIA Section 43(2) – Commercial Interests: <ul style="list-style-type: none">Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).	
Factors for disclosure	Factors for withholding
<ul style="list-style-type: none">The right of the public to have access to information and hold public authorities to account and increase transparency in how they perform their functions, including the allocation of funding.Without such information the public may lack confidence and trust in public bodies.	<ul style="list-style-type: none">Disclosure of information would prejudice the commercial interests of the parties involved.The disclosure of costings may have a negative impact on the organisation's ability to compete in an open marketplace.The publication of these costs may negatively impact future procurement.
Reasons why public interest favours withholding information <ul style="list-style-type: none">There is a public interest in the Department of Education being able to contract services effectively, in the delivery of its duties. Therefore, anything which prevents that will not be in the public interest.It is not in the public interest for the market for goods or services to be distorted through a company's ability to compete being damaged.Individuals and organisations may be discouraged from participating with public authorities if they don't have a degree of certainty that trust will be respected and protected.	