

Schedule 5 - Commercially Sensitive Information

NB – the Authority will not accept any information referred to in Schedule 2 (Tender Minimum Performance Levels (tMPLs), Required Number of Outcomes (RNOs) and Customer Service Standards (CSS)) for inclusion in this Schedule 5.]

- 1 The Authority acknowledges that the Contractor has requested that the following information be treated as Commercially Sensitive Information:

Document	Page No.	Section	Condition or Paragraph No.	Explanation of harm which may result from disclosure and time period applicable to sensitivity.
All references to Strategic/Delivery Partners	1.4.2 1.4.3 Appendix 6 1.4.4 1.4.5 1.4.7 Appendix 1 1.4.8 Appendix 2 1.4.9 1.4.10 1.4.11 1.4.12 1.4.13 Appendix 3 1.4.14 1.4.15 1.4.16 Appendix 4 1.4.17 1.4.18 Appendix 5 2.1.1 Annex S.			<p>We consider information pertaining to our Strategic/Delivery partner arrangements to be commercially sensitive information for the period of the procurement. This is due to the harm that would result from competitors being able to undercut/replicate our agreements with carefully chosen partners, and access elements of our service delivery models that were co-designed with said partners.</p> <p>We consider this information is exempt from disclosure pursuant to section 43 of the FOIA.</p>
Performance statistics setting out existing performance	1.4.2 1.4.4 1.4.5 1.4.9 1.4.10 1.4.11 1.4.12 1.4.14 1.4.15 1.4.17			<p>Our Proposal contains current statistics as to performance which are not public information and are not published by the procurers. This information is sensitive commercial information, and disclosure of it could prejudice The</p>

				<p>Growth Company's legitimate commercial interests on existing contracts as well as the procurers' commercial interests in managing its contracts. Further, the statistical information is subject to confidentiality restrictions in accordance with the terms of our contracts and there is a binding obligation of confidence in place which we are required to pass on to recipients.</p> <p>This information should consequently be exempt from disclosure under either ss. 43 and/or 41 of the FOIA.</p>
Information relating to our Performance and Pricing Rationale	1.4.2 1.4.4 1.4.5 1.4.8 Appendix 2 1.4.9 1.4.10 1.4.11 1.4.12 1.4.14 1.4.15 1.4.16 Appendix 4 1.4.17 2.1.1 Annex S.			<p>Information relating to our Performance and Pricing Rationale is highly commercially sensitive information (as it is used for scoring of this tender proposal). It would prejudice us by negatively impacting our competitive position if it were disclosed to other tenderers as they could then use this to inform this and/or other tender proposals.</p> <p>We consider this information is exempt from disclosure pursuant to section 43 of the FOIA.</p>

- 2 The Authority will consult with the Contractor on any request for information, identified as Commercially Sensitive, under the FOIA.
- 3 The Authority reserves the right to disclose any Commercially Sensitive Information held within this Contract in response to a request under the FOIA as set out at clause E5 of this Contract.
- 4 The Authority will automatically publish all information provided by the Contractor not identified in this Schedule as constituting Commercially Sensitive Information provided that it satisfies the requirements of the FOIA.
- 5 The Authority reserves the right to determine whether any information provided in this Schedule does constitute Commercially Sensitive Information prior to publication.

