



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
17 April 2020
Our ref: 6238788

Thank you for your request received on 7 April 2020, for the following information:

1. Copies of all commercial Barnet Council public liability insurance policy certificates with what is covered, policy numbers, providers and underwriters held by Barnet Council. In particular, make sure anything regarding 'pollution liability', 'policy enhancement' and 'schedules of exclusions' documents in relation to the commercial public liability insurance policy held by Barnet Council.

2. Copies of the 'certificate of indemnity' from Barnet Council that may include the public insurance provider and underwriters, confirming that any injuries, damages or adverse health effects directly or indirectly arising out of, resulting from or contributed to by electromagnetic fields, electromagnetic radiation, electromagnetism, radio waves or noise, wireless RF radiation, microwave radiation, non-ionising radiation emitting devices and equipment.

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we consider that the following exemptions apply to some of the information requested. The remaining information is not withheld and is below.

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We don't have indemnity certificates, they are policy documents that would have formed part of the renewal of insurance. They outline the cover offered to the council, and would belong to insurers, not to the council, and would be commercially sensitive in the insurance market.

In response to your request we can advise that we believe this information falls under the Section 43(2) exemption concerning Commercial Interests. Section 43 (2), provides that information is exempt information if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority itself.

Having considered if release of this information would prejudice the Council's commercial interests, we are of the view that in this case it would, given that the authority is competing in a commercial capacity. Disclosing the information requested would put the council at a commercial disadvantage when it next tenders.

We have considered the public interest in disclosure, that being the accountability and transparency of decisions made and the spending of public money. However, we feel in this case that the commercial interests of the Council outweigh that of the public interest in disclosure, as release of this information would undermine the Council's trading position. We believe that the Council has a right to compete in the commercial arena without compromise to its position in the same way as private commercial companies. As there is a public interest in ensuring that companies are able to compete fairly, it is our decision that this information should not be disclosed.

Therefore, the information is withheld because section 43(2) (Commercial Interests) applies to it. The council is relying upon the threshold of likelihood that disclosure would be likely to have a prejudicial effect. The parties whose commercial interests are concerned are both the current supplier and the Council itself. The harm that would be likely to be caused is because the release of market sensitive information concerning current prices would be of advantage to the supplier's competitors and may prevent the Council obtaining the best value for money. In applying this qualified exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

The public interest arguments for releasing this information are as follows:

- Improving transparency in decision making
- To ensure accountability of the authority

The public interest arguments for withholding the information are as follows:

- It is not in the public interest to disclose information that would be likely to damage the commercial interests of a company, as this could lead to financial problems for the company and/or job losses.
- It is not in the public interest to damage the council's commercial interests, as this affects how it spends public money and the services it can provide to residents.
- It is not in the public interest for commercially sensitive information about one company to be released, when information about other companies is not released, as this puts one company at a commercial disadvantage.
- It is not in the public interest to release information that could negatively influence ongoing and future negotiations as this could have an adverse effect on value for money for the council so for residents.

We have decided that the public interest in withholding the information outweighs the public interest in disclosing it.□

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.