



London Borough of Barnet,  
2 Bristol Avenue  
Colindale , NW9 4EW  
3 March 2021  
Our ref: 6988904

Thank you for your request received on 3 February 2021, for the following information:

1. Which supplier provides your current Revenues and Benefits administration system?
2. What is the start and end date of the current contract?
3. How much does the system cost annually. Please include estimated costs of the basic system and any modules added to the basic system. Please provide a breakdown of costs if possible, including whether a cost is recurring or one-off.
4. If the system is supported in-house, please can you provide an estimate of support staffing costs. If system support is outsourced, please could you provide an estimated annual cost for this support.

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.*

1. Which supplier provides your current Revenues and Benefits administration system?

**Civica Ltd**

2. What is the start and end date of the current contract?

**01.09.2013 to 31.08.2023**

3. How much does the system cost annually. Please include estimated costs of the basic system and any modules added to the basic system. Please provide a breakdown of costs if possible, including whether a cost is recurring or one-off.

***This information is exempt as we are applying the exemption in Sections 41 & 43 to this information. Please see the refusal notice below.***

4. If the system is supported in-house, please can you provide an estimate of support staffing costs. If system support is outsourced, please could you provide an estimated annual cost for this support.

***This information is exempt as we are applying the exemption in Sections 41 & 43 to this information. Please see the refusal notice below.***

## **Section 41 (Information provided in Confidence)**

***We consider that the absolute exemption set out in Section 41 (Information provided in confidence) applies to the information requested. Therefore, we have decided to withhold the information.***

***Section 41 requires the disclosure by the Council to constitute an actionable breach of confidence by those persons. The information must have the necessary quality of confidence.***

***The information provided to the Council is held with the understanding that it will be held in strict confidence and will not be disclosed, in whole or in part and will not be released, in whole or in part, to any third party without prior consultation with, and the written consent of Capita PLC.***

***All of those involved (London Borough of Barnet, Civica Ltd and Capita PLC) therefore had a legitimate expectation that this confidence will be upheld and the information that they provided (which is also commercially sensitive) remains confidential. Clearly this information would be of interest to competitors and potentially harmful if disclosed.***

***I am satisfied that the information is not trivial, nor is it available by other means. It therefore has the necessary quality of confidence.***

***The duty of confidence is not absolute and the courts recognise circumstances under which may be disclosed;***

- Where the person to whom the duty is owed consents***
- Where disclosure is required by law***
- Where there is an overriding public interest in disclosure***
- The person to whom the duty is owed has not provided consent and disclosure is not required by law.***

***We have considered the following factors:***

### **Factors in favour of disclosure under Section 41 FOI Act**

- The public have an interest in promoting openness and transparency***
- Disclosure of the requested information would allow the public to satisfy themselves that matters were being dealt with appropriately and lawfully***
- Disclosure would allow the public to better understand the decision which has been made and would allow the authority to be held to account.***
- There is no credible allegation of misconduct, wrongdoing or any risk to the public, therefore this argument carries no weight***

### **Factors in favour of withholding under Section 41 FOI Act**

- Release of the information in question has significant potential to impact upon the willingness of***

*parties to deal with the Council in future or to disclose confidential information to the Council which would not be conducive to open and transparent dealings between the Council and third parties*

- *The public have an interest in the Council being able to conduct its affairs in an appropriate manner and to achieve best value and efficiency.*
- *If parties are unwilling to deal with the Council this would distort tender processes and would be prejudicial to achieving best value and efficiency*
- *The information is not trivial or available from another source*
- *Disclosure would constitute an actionable breach of confidence*

*Whilst there are arguments on each side, in the circumstances of the case, there is no overriding public interest in disclosure and so the information is withheld.*

#### **S43 Commercial Interests**

*We consider that the qualified exemption set out in Section 43 (Prejudicial to commercial interests) (2) applies to the information requested. Therefore, we have decided to withhold the information.*

*The interests of London Borough of Barnet, Capita PLC, Civica Ltd and the public interest have been considered.*

*The interests are commercial in nature, relating to commercial dealings and are not merely financial. Disclosure will prejudice these interests.*

*The harm to Civica Ltd would be the disclosure of commercially sensitive information given in confidence, which would be likely to give competitors access to information which would help them to develop or improve competing products.*

*The harm to London Borough of Barnet and Capita PLC would be reputational in the commercial world, and may adversely affect their ability to engage with third parties in the provision of services and systems in the future.*

*In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.*

#### **Factors in favour of disclosure**

- *Furthering the understanding, and participation in the public debate of issue*
- *Facilitate the accountability and transparency of public authorities for decisions taken*
- *Facilitate accountability and transparency in the spending of public money*
- *Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assist individuals in challenging those*

**decisions**

**Factors in favour of withholding**

- **Council and contractors position in a competitive environment, market sensitivity of information and potential usefulness to competitors;**
- **Negative effect on competitiveness if competitors were to have access to information;**
- **Need to obtain value for money.**

***In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.***

***We have consulted Capita PLC on their views on the information request, in line with the FOI Code of Practice in handling information requests.***

**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](http://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](mailto: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](http://www.ico.org.uk)). There is no charge for making an appeal.