

Annex 10 – Freedom of information declaration

The Authority requires the Bidder to complete this form to identify if any of the information submitted constitutes a trade secret or would, or would likely to, otherwise prejudice the commercial interest of **[INSERT ORGANISATION NAME]** if disclosed to a third party.

This document illustrates all questions asked within your submission for the provision of **an antimicrobial to the NHS in England via a subscription-based payment model**. You are requested to illustrate those questions where you deem your response to be commercially sensitive and provide rationale to support this.

By signing this form you are confirming that the signatory has the appropriate level of authority to disclosure and confirm this information and by return of this form are certifying that, to the best of your knowledge you have provided rationale that would enable the Authority to apply Section 43 of the FOI Act if it considers, at its absolute discretion, the use of such exemption is appropriate.

Name, Job Title and Directorate of person completing this form:	
Date of request:	
Signed:	

Please tick **ONLY** those sections where you deem a/all responses to that section to be commercially sensitive.

ISFT Response

Sections	Trade Secret (tick all that apply)	Commercially Sensitive (tick all that apply)	Time Period it will Remain Sensitive
Question AMR1			
Question AMR2			
Question AMR3			
Question AMR4			
Question AMR5			
Annex 8 - Contract			
Financial Response			

For each of the above, please list those elements of your Response that you wish to indicate includes commercially sensitive information.

Reason for Exemption (please complete relevant element)

Where Section 43(1) may be evoked

For the sections illustrated above please provide information at question level as to why the response is deemed to constitute a Trade Secret?	
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Please note: A justifiable rationale is required for each request of exemption to support non-disclosure of information.

Note further: The final decision as to whether such exemption applies will be made by the Authority at its sole discretion.

Section 43(2)

Would the commercial interests of any person (i.e. individual, company and/or public authority itself) be prejudiced if the information identified above were to become public? – if yes, who would this affect and why (please ensure your response is answered at question level).	
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Section 43(3)

If it would cause harm to confirm or deny the information is held by Arden GEM CSU, NHS England or other third parties, please provide further detail here as to why this would be at question level.	
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The Freedom of Information Act 2000 contains the following exemption relating to commercial interests:

Part II Section 43:

- (1) Information is exempt information if it constitutes a trade secret.
- (2) 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).
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

The exemption at section 43 of the FOI Act is subject to the public interest tests at sections 2(1)(b) and 2(2)(b) of the FOI Act.