

Annex B

PUBLIC INTEREST TEST			
Request Ref:	DoF/2024/0057		
Request summary:	Updated assessment of project costs' for the Mourne Gateway Project, which was carried out by the Construction and procurement Delivery team within the Department for Finance on behalf of Department for Economy and Tourism NI, and provided to Newry, Mourne and Down District Council on the 13th November 2023.		
Information details:	Exemption applied	Disclosure	Non-disclosure
		(Please complete both columns to show all factors have been considered)	
Provide all details of the 'updated assessment of project costs' for the Mourne Gateway Project, which was carried out by the Construction and procurement Delivery team within the Department for Finance on behalf of Department for Economy and Tourism NI, and provided to Newry, Mourne and Down District Council on the 13th November 2023.	Section 43(2): Commercial interests - 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).	<ul style="list-style-type: none"> To show compliance with the FOI Act by disclosing information held by the Department as a Public Authority; There is a general public interest in the accountability, openness and transparency of government, and to promote public understanding. 	<p>The disclosure of this information would, or would be likely to, prejudice the commercial interest of the participants and council in the current Mourne Mountain Gateway Project Integrated Consultancy Team Procurement Competition.</p> <p>The disclosure of this information would, or would be likely to, weaken the position of Newry, Mourne and Down District Council as Contracting Authority in a current procurement competition by revealing market sensitive information.</p> <p>The disclosure of the Commercially Sensitive Information contained has the potential to infringe commercial interests by undermining the legitimacy and integrity of the current procurement competition if the information requested is shared with any of the participants in the procurement competition.</p> <p>There is a financial, legal and reputational risk to the Contracting Authority if commercially sensitive information is released during a procurement process. Tenderers could be discouraged from competing for future competitions with the council.</p> <p>There is a public interest in ensuring that private sector companies can compete on an equitable and legal basis for contracting authorities contracts and the disclosure of the requested information could compromise their ability to do so.</p>

PUBLIC INTEREST DECISION: After weighing up the competing public interest considerations, we consider it is reasonable in all the circumstances that the information held should be withheld from disclosure under Section 43(2) of the FOI Act and that the public interest in maintaining the exemption outweighs the public interest in disclosure.

Signed: Construction & Procurement Division

Date: 15/02/24