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4 December 2020

Via email – committee.publicaccounts@niassembly.gov.uk

Dear William

**PUBLIC ACCOUNTS COMMITTEE EVIDENCE SESSION LANDWEB PROJECT
AND DIGITAL TRANSFORMATION – CLARIFICATION OF ‘COMMERCIALLY
SENSITIVE’ INFORMATION**

Thank you for your follow-up correspondence of 24 November 2020 seeking clarification on the areas marked ‘commercially sensitive’ in my previous response to the Committee.

The NI Direct Strategic Partnering Agreement identifies information deemed to be commercially sensitive and I have included the appendix from the contract detailing those elements. These contractual obligations leave the Department open to risk of legal proceedings should this material appear in the public domain.

It is however important that there is transparency on how taxpayers’ money has been spent and therefore I have had a review conducted on the information previously provided to the Committee and believe there is no reason why this information cannot be published by the Committee, should it deem necessary, with the exception of ‘Table 1 – BT Original Tender Submission’ in my response to you of 11 November.

It is accepted the sensitivity of commercial information may diminish over time, therefore if the Committee believes it is in the public interest to publish specific pricing or other contractual information (which has been identified as commercially sensitive), I am happy to approach BT and seek its consent for this information to be published.

I hope this clarifies the position.

Yours sincerely

SUE GRAY

APPENDIX

COMMERCIALLY SENSITIVE INFORMATION

Information Type	Reference	FOIA exemption	Duration of FOIA exemption
All Financial Models / Templates provided to the Authority (including key financial measures), including any subsequent versions of the financial model as issued from time to time through the Term	Schedule 7.5	Section 43	Term
Insurance Requirements: <ul style="list-style-type: none"> the Appendix provided by Contractor 	Schedule 2.6	Section 43	Term
Charges and Invoicing: <ul style="list-style-type: none"> the Charges applicable to the Services, the value of Service Credits accrued; the value of Delay Payments accrued; Charges for Changes. 	Schedule 7.1	Section 43	Term
Value for Money: <ul style="list-style-type: none"> Threshold Gain Margin Appendix to Part A – Gain Sharing Table Contractor information of the nature set out in this table contained in any Benchmarking Report 	Schedule 7.3	Section 43	Term
Financial Distress: <ul style="list-style-type: none"> All Credit Rating Thresholds 	Schedule 7.4	Section 43	Term
Financial Model, including: <ul style="list-style-type: none"> all Appendices, the Certificate of Costs generated 	Schedule 7.5	Section 43	Term
The payment mechanism options and selection process set out in schedule 12 or Appendix 1 to schedule 12	Schedule 12	Section 43	Term