

## Explanation of the exemptions applied

### **Section 43**

The fees paid to a recruitment agency in relation to a specific role are negotiated with the recruitment agency in each instance. Section 43(2) of the FOIA (commercially sensitive information) provides that information is exempt information if: its disclosure under the FOIA would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Section 43 is a qualified exemption so we are required to consider whether maintaining the exemption is in the public interest.

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

There is a legitimate public interest in promoting the transparency of the Commission and in making information available to the public.

Publishing fees paid for specific roles may lead to more competitive rates being offered by recruitment agencies in an attempt to undercut competitors.

### **Factors in favour of maintaining the exemption**

We consider that disclosing the information could lead to recruitment agencies undercutting each other, prejudicing the agencies which we published details about as they would lose business.

The Commission already publishes expenditure data on our website as part of the Government's transparency requirements.

### **Weighing the balance**

Whilst the Commission aims to be open and transparent, there is a need to preserve the confidentiality of commercial information relating to our suppliers.

The public interest in transparency is satisfied through the publication of expenditure data on the Commission's website.

Having weighed these issues, the Commission is of the view that the public interest is best served through maintaining this exemption.