

## Freedom of Information (FOI)

Prepared by Derby City Local  
Authority

## Background

- A FOI request relating to ECERS E/R was received by the Local Authority
- The request was to disclose all our settings ECERS E/R scores by individual setting and to provide an average score for the City

## Reasons why we did not want to disclose this information

- The information was commercially sensitive and could be used for business gains across the sector
- Information maybe be shared with other parties and published online or in the press
- The Local Authority had made a verbal agreement with all settings to ensure the information remained confidential

## What happened?

- We worked closely with the Legal Department to ensure that the data would not be disclosed. This meant working to very tight timescales
- We now have a statement that will go out in revised Provider Agreement to ensure that our data remains confidential and is protected from any future FOI requests

## Wording to be used in the future

- "The Council agrees that confidential and/or commercially sensitive information obtained [from xxx] [pursuant to the agreement] will not be used or disclosed to any third party [to the agreement] without the consent of [xxx], subject only to any overriding statutory, legal or other parliamentary obligation imposed on the Council relating to the use, or requiring the disclosure, of the information. This includes but is not limited to disclosure requirements pursuant to the Freedom of Information Act 2000 or the Environmental Information Regulations 2006."