



The Freedom of Information Act 2000 (FOIA)

Public Bodies are obliged by law to disclose information that may be in the public interest, provided that it does not damage the commercial interests of a business. However, the protection of the law must be sought in the correct way; otherwise your entire bid can be given to a competitor.

A typical FOIA statement on an Invitation to Tender (from regional Government):

Freedom of Information Act 2000

This above legislation requires us to make available to the public any recorded information that we hold. This will include any information you provide to us. If a third party requests access to your information we will be obliged to disclose it unless it is exempt from disclosure in accordance with the legislation. Accordingly, we offer no assurances that your information will be maintained in confidence and you should obtain independent legal advice before submitting any proprietary or sensitive information to us.

A typical protection statement must be applied to the front of your bid:

Freedom of Information Act 2000 – statement of confidentiality

This response contains information that is confidential to MyCompany Ltd. The information is contained within pages 2, 5 (commercial data, costs) and pages 12, 13 (personal data, CVs). This information shall not be disclosed outside ABC without the written permission of MyCompany Ltd.

This disclosure is in accordance with the FOIA 2000.

Also apply the following to the ‘footer’ of each page of the bid:

“Please refer to the confidentiality statement on the front cover.”

Note that the protection statement refers to specific pages in your bid, and also tells the reader why the information is confidential. FOIA does not apply to the private sector. More information can be found at the Information Commissioners Office:



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