

Annex B

Section 43 (Commercial Interests)

Some information in response to the nature of the Loss/Special Payment has been withheld under section 43(2) of the Act as information which if disclosed would be likely to prejudice the commercial interests of organisations and/or the FSA.

As a qualified exemption this requires a public interest test to be carried out to consider whether the balance of public interest in disclosing the information outweighs that in not disclosing.

Whilst there is a general public interest in increasing transparency and openness particularly with regard to public expenditure, there is also a need to protect the legitimate commercial interests of organisations. It is not in the public interest to disclose information that would be likely to be used by competitors and weaken a company's position, in an already competitive market. In this case, there is also a public interest in withholding information where disclosure would be likely to prejudice the commercial interests of the Agency, which would result in the less effective use of public money or threaten its ability to negotiate in future. We believe, therefore, that the balance of the public interest favours withholding the information.