

East Lothian Council

FOI Ref: 2018/553222

**Questions 1-4 are Information Technology related.
Questions 5 is for the Revenues or Finance department.**

My questions are:

1) Name of your existing software product for processing of Council Tax? e.g. Capita, Northgate, Civica or other, please give Company and or product name.

Capita

2) Date of the next software licence renewal? If a perpetual licence then the date of maintenance renewal please?

Perpetual licence renewed on the 1st of April. Maintenance is renewed along with the software licence.

3) Annual cost of software (Council Tax)? i.e. software licence and or maintenance (if not separated from Housing Benefit and or NNDR, then total cost please)

Although East Lothian Council (ELC) holds this information, it is exempt from release under Section 33(1)(b) of the Freedom of Information (Scotland) Act 2002. Please refer to Appendix I overleaf for further details.

4) Are the printing of Council tax bills produced in-house or by external provider?

External provider

5) The average cost to the Authority per bill produced? (To calculate cost I do not require staffing costs, so Information Technology cost, printing, postage, collating and any other direct costs, divided by the number of bills produced, please do not deduct revenue from advertisers, that may sponsor bill production).

ELC does not specifically record the average cost per bill produced. In view of this, under Section 17(1)(b) of the Act, I must formally advise you that ELC has been unable to comply with your request as the information you require is not held.

In order to assist you, however, colleagues have calculated that the average cost of producing and mailing a bill is £0.35.

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Finally, it may help to explain that Freedom of Information legislation only applies to information which is held or recorded by a public authority. It does not apply to views, opinions, intentions, general questions or questions which simply require a yes/no answer. In view of this, some of the questions asked are not technically valid for the purposes of this legislation as they are not requests for specific recorded information that ELC may or may not hold.

In order to assist you, however, colleagues have addressed the questions posed to the best of their knowledge. For future reference, a link to the "Tips for Requesters" page of the Scottish Information Commissioner's website has been provided which you may find useful:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>

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Appendix I

The information requested is exempt from release under Section 33(1)(b) - "Commercial Interests and the Economy" - of the Freedom of Information (Scotland) Act 2002. This section exempts information from disclosure if it would, or would be likely to, prejudice substantially the commercial interests of any person (including, without prejudice to that generality, a Scottish public authority).

The term "commercial interests" has been interpreted by the Scottish Information Commissioner as meaning any commercial trading activity undertaken, e.g. the sale and purchase of goods and services, normally taking place within a competitive environment.

You have asked to be provided with the annual software licence and maintenance costs. When information is released as the result of a freedom of information request it is technically released to the general public, and not just to the person or organisation making the information request. If this information was released into the public domain the assumption must therefore be made that details of the contract that ELC has entered into with the company concerned would ultimately be shared with that company's competitors.

This would detract from the Council's ability to achieve the most competitive rates in projects put out to tender and would therefore prejudice the Council's ability to obtain the most favourable contracts.

This exemption is subject to the public interest test and can only be used to withhold information if the public interest in maintaining the exemption outweighs the public interest in disclosure. We recognise that it is in the public interest for information to be accessible and that as a local authority we are open and accountable, especially in relation to financial matters. However, we believe that the release of this information may discourage potential tenders. Alternatively, if a company believes the information could fall into the hands of its competitors, it may also result in much less information and supporting evidence being provided in tenders. Should this be the case it would be very difficult for East Lothian Council to make sound procurement decisions. Bearing all this in mind, we believe that the public interest in withholding the information outweighs the public interest in its disclosure.