

**Date: 16/09/2020**  
**Ref: CAM398**

Dear Requester

Thank you for your request for information dated 25/08/2020 about the contract to idverde to "rejuvenate" Whitfield Gardens. We have dealt with this under the Freedom of Information Act 2000.

## **Response**

The council holds the information requested. However we are withholding some of the information because it is exempt. The answers to your questions are below. We have stated where we are withholding information and what exemptions apply. Please see the refusal notices at the end of the answers which explain how and why the exemptions apply.

**I would like to see the report awarding the contract to idverde to "rejuvenate" Whitfield Gardens public open space, part of Camden's West End Project. I would like to know the total cost of the project to "rejuvenate" the public open space, excluding the cost of the restoration of the Fitzrovia Mural. ie, just the cost of the contract to idverde for the open space works.**

The information that we are able to release is in the attached document. We have redacted (removed) information that is personal data under Section 40(2) and information where disclosure would adversely affect commercial interests under Section 43(2).

**I would also like to see the report awarding the contract to Global Street Art for the restoration of the Fitzrovia Mural.**

There was no report for the contract award of the mural works. As per procurement advice, because this is specialist works we obtained 3 quotes.

**I would like to know the cost of the contract for the restoration of the Fitzrovia Mural by Global Street Art. The project is referred to in this press release from Camden <https://news.camden.gov.uk/the-rejuvenation-of-whitfield-gardens-begins/>**

Value of contract for the mural restoration was: £70,608.

**Please note that I have searched Camden's website for the information I want but it does not appear to be published.**

## **Refusal Notice**

Section 40(2) - The council has withheld this information/redacted parts of it under the absolute exemption in Section 40(2). The information withheld is personal information because it allows a living individual to be identified. We have considered the legitimate public interest in disclosure against the interests of the data subject/s and concluded that

disclosure would contravene the principle in the General Data Protection Regulation that personal data is processed fairly and lawfully. In the circumstances of the case disclosure would not be fair to the individuals particularly considering that Freedom of Information responses are public documents and published to the world and not provided just to the requester.

Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

The council is relying upon the higher threshold of likelihood that disclosure would have a prejudicial effect. The parties whose commercial interests are concerned are idverde and the council. The harm that would be caused to idverde is that their commercial details such as profit margins and detailed business model, would be revealed which would negatively impact their trading position and ability to secure contacts. The harm that would be caused to the council is that our ability to achieve the best process for a new contract would be reduced as the 'going rate' would be disclosed. The council regularly procures more contracts in this area and so procurements will be live in the future and therefore disclosing the rates paid and amounts tendered would reduce the chances of the council getting a better deal on a new procurement. The link between the disclosure and harm is that for idverde, rival companies would have awareness of their business model and pricing structure which would allow rivals to undercut them and reduce their chances of successfully tendering, and for the council, that disclosure of the current amounts paid and prices would reduce the chances of higher revenues being achieved in the anticipated new tenders for similar areas.

In applying this qualified exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

The public interest arguments for releasing this information are as follows:

- Improving transparency in decision making.
- Ensuring value for money.
- To ensure accountability of the authority.
- Demonstrating the council is meeting its fiduciary duties.

The public interest arguments for withholding the information are as follows:

- It is not in the public interest to disclose information that would be likely to damage the commercial interests of a company, as this could lead to financial problems for the company and/or job losses.
- It is not in the public interest to damage the council's commercial interests, as this affects how it spends public money and the services it can provide to residents and other stakeholders.
- It is not in the public interest to release information that could negatively influence ongoing and future negotiations as this could have an adverse effect on value for money for the council, so for residents and other stakeholders.

We considered whether the presumption in favour of disclosure in the regulations overrides the decision to withhold and have concluded that it does not.

We have decided that the public interest in withholding/redacting some of the information outweighs the public interest in disclosing it.

### **Further Information:**

We do not give our consent for any names and contact details provided in this response to be sent marketing material. Any such use will be reported to the ICO as a breach of General Data Protection Regulations and the Privacy and Electronic Communication Regulations.

Why not check our Portal [Open Data Camden](#) before making a new request as your question may already be answered by a previous [FOI response](#) or in one of our many useful and interesting datasets.

### **Your Rights**

If you are not happy with how your response was handled you can request an Internal Review within 2 months of this letter by email to [foireviews@camden.gov.uk](mailto:foireviews@camden.gov.uk) or post: Information and Records Management Team, London Borough of Camden, Town Hall, Judd Street, London WC1H 9JE. Please quote your case reference number. If you are not satisfied with the Internal Review outcome you can complain to the Information Commissioner's Office at [casework@ico.org.uk](mailto:casework@ico.org.uk) telephone 0303 123 1113, or post to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. The ICO website [www.ico.org.uk](http://www.ico.org.uk) may be useful.

Yours sincerely

**Philip Lewis**  
**Information Rights Team**