

Procurement Bill [HL]

AMENDMENT
TO BE MOVED
IN GRAND COMMITTEE

After Clause 84

LORD HUNT OF KINGS HEATH

Insert the following new Clause—

“Application of Freedom of Information Act 2000 to public contracts

- (1) A Minister of the Crown must publish a statement setting out the Government’s policy in relation to the application of the Freedom of Information Act 2000 to public contracts.
- (2) Regulations must set out how contracting authorities must—
 - (a) respond to any request for information under the Freedom of Information Act 2000 in relation to a public contract or any proposal to enter into a public contract;
 - (b) apply the objective set out in section 11(1)(c) of this Act (procurement objectives: sharing information) in relation to the business case, the procurement strategy and plans, the tender documents and responses, the award criteria, and the contract;
 - (c) include in the published tender notice the reasons if exemption from the publication of information is claimed by a contracting authority;
 - (d) establish a process to consider complaints that required information has not been published which could be grounds for a challenge to the award of a public contract;
 - (e) ensure that the exemption in section 43(2) of the Freedom of Information Act 2000 regarding commercial confidentiality is not applicable to any information request in relation to a public contract.
- (3) Any monitoring that takes place under subsection (2)(b) of the application of the objective on sharing information must be published or available on request unless exceptional circumstances set out in the regulations apply.”

Member’s explanatory statement

The amendment would ensure that only limited exceptions would be permitted to providing information about public contracts.

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21 June 2022
