

## Request for quotation submitted by a Government Department

<b>Legislation</b>	Official Information Act 1982, s 9(2)(i)
<b>Agency</b>	Government Department
<b>Ombudsman</b>	Nadja Tollemache
<b>Case number(s)</b>	A242
<b>Date</b>	April 1993

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*Requester sought quotation information—amount apportioned by the department as royalties and copyright charges formed part of the department’s marketing and pricing strategy within a competitive market—also in circumstances of this case release of quotation would enable a calculation of how the quotation was made up*

The requester and a government department had both provided quotations to a third party to carry out certain work. The department was successful in getting the contract. The requester then sought from the department:

- The amount apportioned by the department as royalties and copyright charges; and
- The department’s quotation for the work.

The department relied on section 9(2)(i) of the OIA to withhold the information.

In this case the commercial activity involved was the provision of mapping information. The department considered the complainant to be a direct competitor within that market, and that disclosure of the information would prejudice its commercial activities in that market.

The Ombudsman accepted that the amount apportioned out as royalties and copyright charges could be withheld under section 9(2)(i) in that they formed part of the department’s marketing and pricing strategy within a competitive market.

With respect to the department’s quotation, the Ombudsman explained to the department that she would need to be persuaded that that information required protection under the Act.

The department explained that, unlike other companies, the department's fees (and, in turn, its quotations) were controlled by the Survey (Departmental Fees and Charges) Regulations 1989. If the quotation was provided to the requester, it would be a relatively simple matter for the requester to calculate how the quotation was made up.

Bearing in mind the fact that the requester was in the same business as the department, and a direct competitor, the concern was that in future cases the requester would be able to undercut the department's quotations. The regulations themselves leave the department with little room to reduce a quotation. Accordingly, it was the Ombudsman's view that in this particular case good reason existed to withhold the information.

*This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*