



## Request

I would like to request a copy of the full Section 38 Road Adoption Agreement in relation to the partial adoption of Findley Cook Road, Wigan as per the attached street list found on the Wigan Council website.

I understand that a copy of the first page only can be obtained but this is insufficient.

## Response

This information is being withheld under Regulation 12(5)(e) of the Environmental Information Regulations 2004.

Regulation 12(5)(e) allows a public authority to withhold information where disclosure would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided by law to protect a legitimate economic interest.

In this case, the withheld information relates to the Section 38 agreement, financial terms, contractor pricing and commercial arrangements, which is commercial in nature. The confidentiality of this information is protected by law, either through contractual obligations or the common law of confidence, and its disclosure would likely harm the legitimate economic interests of the parties involved.

### Public Interest Test:

Under Regulation 12(1)(b), we are required to apply a public interest test. While there is a general presumption in favour of disclosure under Regulation 12(2), we have concluded that the public interest in maintaining the confidentiality of this commercial information outweighs the public interest in disclosure.

### Disclosing the information could

- Undermine the negotiating position of the authority or third parties in future agreements;
- Deter commercial partners from entering into similar agreements with public bodies;
- Lead to unfair competitive advantage or disadvantage in the marketplace.

While there is a public interest in transparency and accountability in public sector decision-making, we believe that in this instance, the harm that would result from disclosure outweighs those benefits.

Therefore, the information is being withheld under Regulation 12(5)(e) of the EIR.

We can provide a copy of the front page at the cost of £12

We can also provide a highway extent plan at a cost of £12

Please find link below to pay, scroll to the bottom of the page to make payment.

[Private streets](#)