

Schedule 5 (Commercially Sensitive Information)

1. What is the Commercially Sensitive Information?

- 1.1 In this Schedule the Parties have sought to identify the categories of the Supplier's Confidential Information which should reasonably be considered as Commercially Sensitive Information which would be the subject of an exemption under the FOIA, the EIRs or under any PPN as well as any information that would be considered sensitive commercial information under Section 94 of the Procurement Act 2023.
- 1.2 Where possible, the Parties have sought to identify when any relevant information will cease to fall into the category of information to which this Schedule applies in paragraphs 1.3.1 to 1.3.6 below and in the Award Form (which shall be deemed incorporated into the list below).
- 1.3 Without prejudice to the Buyer's obligation to disclose information in accordance with the FOIA, the EIRs, any PPN, the Procurement Act 2023 and any regulations published under it, or Clause 20 (*When you can share information*), the Buyer will, in its sole discretion, acting reasonably, seek to apply the relevant exemption set out in the FOIA, the EIRs, any PPN or Section 94 of the Procurement Act 2023 and any regulations published under it, to such categories of information including but not limited to:
 - 1.3.1 Pricing structures, costs, profit margins, or financial data or models;
 - 1.3.2 Supplier lists, contracts or relationships;
 - 1.3.3 Marketing strategies, business plans, or forecasts;
 - 1.3.4 Technical data, designs, specifications, or methodologies;
 - 1.3.5 Security measures, including any information that, if disclosed, could compromise the security of the Supplier or its Subcontractors' business; and
 - 1.3.6 Any analyses, compilations, studies, or other documents prepared by the receiving party or its representatives that contain or reflect the information described above.