Local Government Association

Local transparency guidance – publishing spending and procurement information

A practitioner's guide to publishing information about expenditure, tenders, contracts and grants in accordance with the local government transparency code 2014

4 December 2014

Version 1.1

Contents

Introduction

The Department for Communities and Local Government (DCLG) issued a revised Transparency Code in October 2014, which specifies what open data local authorities must publish. The Code also recommends that local authorities go further than its requirements and publish additional datasets and provide more detail on these.

The Local Authorities (Data Transparency) Code 2014 is published, alongside a frequently asked questions document, on https://www.gov.uk/government/publications/local-government-transparency-code-2014.

To support local authorities in understanding and implementing the Code and to help them publish the data in a meaningful and consistent way, the Local Government Association (LGA) has produced this set of revised guidance (November 2014). The guidance provides more detail on both the mandatory and recommended elements of the Code. It should be read in conjunction with the Code and the associated frequently asked questions document.

The guidance offers practical help and advice, both to meet the immediate targets of publishing data, and to adopt consistent approaches that will add value for local people and public services to use the data over the longer term. This approach will enable authorities to be able to compile and compare data from different authorities and departments.

This document provides local authorities with practical guidance on how to publish information related to spending and procurement including:

- expenditure exceeding £500
- Government Procurement Card (GPC) transactions
- procurement information (tenders and contracts)
- grants to voluntary, community and social enterprise organisations.
- waste contracts.

There are three further guidance documents, two of which cover other specific requirements of the Code, and one that provides general guidance applicable to all elements of the Code. The other guidance documents are published separately as:

Publishing data

- processing data for publication
- data access, reuse and exemptions
- fraud prevention
- licensing your data
- converting data to open standards
- metadata, inventories and data registration
- publication and timing

Publishing organisation information

- organisation chart
- senior salaries

- the pay multiple
- trade union facility time
- fraud
- constitution

Publishing land assets and parking information

- local authority land and building assets
- parking accounts and parking spaces

To help authorities to publish the datasets in an efficient and consistent way we are also developing schemas for the datasets. These schemas will provide voluntary standards against which local authorities can publish data – enabling easy access, reuse and comparison between different areas. These schemas will initially be based on the templates found in the annexes of each of the draft guidance documents.

We aim to match our approach for publishing procurement information to the open contracting and 360 giving initiatives while also meeting the requirements of the Transparency Code. These initiatives aim to build common approaches internationally to standardise procurement and grant giving.

This guidance document has been produced by the LGA in consultation with DCLG, the Local e-Government Standards Body (LeGSB) and local authorities.

We may amend the guidance in the future to take account of evolving good practice, technical developments and changes to the Code.

Spending data

This chapter explores spending data and provides guidance on how to publish this in a way that is consistent across local authorities. It covers general expenditure that exceeds £500 and Government Procurement Card (GPC) transactions and payments as part of grants to voluntary, community and social enterprise organisations. It also provides detailed advice on what should be published and what should be excluded and on the contents of the published data.

The Code makes it mandatory to publish details of all expenditure that exceeds £500 and Government Procurement Card transactions, at least on a quarterly basis, with first publication not being later than 31 December 2014 generally referring to the previous three months of spending. The data should be published not later than one month after the quarter to which the data and information is applicable.

Expenditure exceeding £500

The Code makes it mandatory to publish details of all expenditure that exceeds £500, at least on a quarterly basis. Councils may publish spending data more frequently than quarterly. While the minimum threshold of £500 is a requirement, there is nothing to stop local authorities publishing all spending if they wish. The Code recommends that local authorities publish spending over £250, but this is not mandatory.

For the purposes of this guide, 'expenditure' includes all:

- individual invoices
- grant payments
- expense payments
- other transactions over £500
- payments for goods and services
- grants to third-party providers
- grant in aid
- rent and policy-related lending
- credit notes over £500
- transactions with other public bodies.

In addition, the Code recommends for authorities to publish the total amount spent on remuneration over the period being reported on.

Expenditure excludes:

- transactions relating to income or the financing or underwriting of debt
- financing and investment expenditure
- payments made to Her Majesty's Revenue and Customs (HMRC) for value added tax (VAT), pay as you earn (PAYE) and National Insurance Contributions (NIC) or pensions.
- salary payments to staff (this is covered separately by the Code)
- compensation payments to individuals.

Government Procurement Card transactions

In addition to general expenditure the Code also makes the publication of all spending on GPCs

mandatory. All of the advice provided in the previous section about publishing expenditure exceeding £500 applies to the publication of GPC transactions, except that it is mandatory to publish **all** GPC payments including those with a value of less than £500.

The use of the GPC refers to cards issued under a procurement framework owned by the Crown Commercial Service. The GPCs are used by Government as a payment card, not a credit card, and is a secure and controlled method of purchasing and paying for low value goods or services where it is used alongside other purchasing tools and processes. The mandatory element of the Code (Part 2) relates to the use of the GPC only. However, the Government encourages authorities to go further by publishing all transactions on all corporate credit cards and charge cards, including those that are not a GPC as set out in the recommended part of the Code.

The mandatory element of the Code relates to the use of the GPC only. However, the Government encourages authorities to go further by publishing all transactions on all corporate credit cards and charge cards, including those that are not a GPC as set out in the recommended part of the Code.

We suggest including GPC transactions in the same format as that used for publishing spending over £500, but clearly tagging where a GPC is used.

What should be published

For the purposes of this guidance, the term 'payments' only applies to payments made directly from local authorities' budgets. It does not include schools where expenditure was incurred directly by the school

The published data should reflect how each item was originally recorded in financial systems. It need not include corrections if the amount paid was incorrectly posted but you may take account of these amendments if you wish at a later date.

Whatever information is used in relation to payment details, ensure that reference numbers (such as VAT or invoice numbers) cannot be used in any fraudulent claims and that authorities follow the advice given in Annex B of the Transparency Code.

Certain payments should be excluded or be redacted under the Freedom of Information Act (FOIA) and Data Protection Act (DPA). These could be payments to certain private individuals or those that jeopardise security or an investigation into criminal matters. Please see the *Freedom of Information and data protection* section in the general publishing data guidance[1] for more information.

Any personal information that identifies an individual, or data that could lead to harm to an individual, is excluded from publication. For example, the publication of spending data would exclude payments related to children or vulnerable adults – such as foster carers, home carers, any benefits payments and personal refunds etc. However, supplier names, in general, do not fall under any of the exemptions in the FOIA because they refer to a company rather than an individual.

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[1] Local Government Transparency Code 2014 – Publishing Data (general guidance): http://www.local.gov.uk/practitioners-guides-to-publishing-data

The following tables provide examples of transactions that should be included, excluded and redacted.

Examples of spending data that should be included

The table below gives specific examples of transactions that should be included in the publication.

Examples of transactions that should be published	Reason
Payments to other government and public sector bodies	All transactions whether with other public or private sector bodies should be included
Payments to government or other third-party service providers	All transactions should be included
Payments to sole traders	Business rather than personal expenditure
Payments for secondees	Payment for service rather than personal or pay bill expenditure. However, if a secondee's pay becomes transparent, this should be redacted.
Travel and subsistence claims as a cumulative cost per month	
Service charge element of pension contributions	
Ex-gratia payments above a contract price	The full payment cost is required
Credit notes	Needed to ensure correct transaction values have been recorded
Policy lending (other than to individuals, or funds management)	Regarded as spend
Gifts	Publishable under FOI
Rent and business rates	Standard expenditure costs

Examples of spending data that should be excluded or redacted

The table below gives examples of the types of transactions that may be redacted or excluded from publication. The main principles follow the exemptions provided by the FOIA. Key redactions will relate to data that is protected under the DPA – particularly relating to children and vulnerable persons. Please note this table should be read in conjunction with the examples of data to be included, above.

Examples of transactions that may be excluded from publication	Reason	Redacted or excluded
Salary payments to staff – including bonuses – except when published under the senior salary scheme. These will be published separately	Personal information protected by the DPA	Excluded
Expense payments to staff	Where expense payments are being made to a member of staff whose salary is below £150,000 their name should not appear on the record.	Redacted
Pension contributions – excluding service charge – and National Insurance Contributions except when published under senior salaries	Personal information protected by the DPA	Excluded
Severance payments except when published under senior salaries	Personal information protected by the DPA	Excluded
Payments to individuals from legal process – compensation payments, legal settlements, fraud payments	Personal information protected by the DPA. In exceptional circumstances you may want to exclude the data	Redacted
Competition prizes – where a normal part of operations	Personal information protected by the DPA	Redacted
Settlements made with companies as an arbitration which is conditional on confidentiality	Commercial-in-confidence – exempt under FOIA	Redacted
Potential betrayal of a commercial confidence, or prejudice to a legitimate commercial interest	Very rare and will need to be justified	Redacted
Transactions relating to the financing or underwriting of debt, for example, purchase of credit default swaps	Outside the definition of expenditure for this purpose	Excluded
Provisions or promises to pay not yet realised		Excluded

Data that are exempt from publication need to be redacted from the payment data sheet. For transparency reasons, we advise that payments to any redacted data entry should be replaced with the words 'REDACTED PERSONAL DATA' or 'REDACTED COMMERCIAL CONFIDENTIALITY'.

The authority that holds and processes the data is responsible for complying with the DPA. It is therefore advisable to approve or sign off the data sheet by an officer competent in data protection before it is published. Ultimately it is for each authority to decide whether to redact data.

There are automated and manual ways of redacting the data. Some software is able to identify individual names and ask the operator if they should be redacted or not. Another option is to use the service code to flag any service areas that may be liable for exemptions, such as contracts on foster care. A rules based system could be used to help with the redaction process.

One example for data redaction is given by Sedgemoor District Council who uses the following approach:

- Identify some cost centres where the supplier name is always redacted, for example disabled adaptations.
- Send a report to each 'Group Management' of the payments that will be published and ask them to check for potential redactions, and also highlight where we can make a link to a news item.
- Have a redaction policy for 'payments' describing the decision process for redaction.
- Use look-ups to help identify supplier type for redaction.

Contents of the spending data

We recommend that councils use a common approach and format for publishing the content of data. This will help users to share, compare and analyse data. We suggest that the content for publishing data matches the format set out in the template provided in [Annex I: templates - Spending data template](#) . The template is designed to record expenditure, card transaction and grant payments to VCSE organisations.

The data published in the template follow the sequence of columns prescribed and any formats or presentation conventions set out below. Any additional fields that an authority wishes to publish should conform to the advice in the general *"publishing data"* guidance and should be added after the fields listed here. The fields are designed to provide enough information for users to analyse the data, and link spending data to services and categories of spend. The template is also available as a standardised schema which can be downloaded from http://schemas.opendata.esd.org.uk/spend.

Data fields that are mandated or recommended in the code are marked accordingly in the inclusion status. Fields that are added to make the data more meaningful when compared or combined are marked as optional. Recommended or optional fields which the authority will not use can be deleted from the template.

We acknowledge that local authorities have different systems and procedures in place for extracting data, and accordingly some may not be able to match all the fields recommended here.

Organisation name and organisation code (optional)

The organisation name and organisation code identifies the local authority to which assets belong and means that the file is self-describing when combined with other data

Authority information should include a unique identifier for a local authority that owns the data as datasets from various organisations may be combined. Ideally, the code should be represented in the form of a 'uniform reference identifier' (URI) used in open data standards – see the *File formats: open*

and linked data section in the general publishing data guidance[2] for further information.

Codes describing URIs are not yet available for every public organisation. A URI used in Linked Data is the preferred option. A lookup tool for URIs can be found on the LG Inform Plus website (http://uris.opendata.esd.org.uk/)

For local authorities the code could be

- the open data communities code for local authorities on http://opendatacommunities.org/data/local-authorities
- or the Office for National Statistics' (ONS) Government Statistics Services (GSS) Coding and Naming for Statistical Geographies. (http://tinyurl.com/onsgeog)

A lookup tool for URIs can be found on the LG Inform Plus website (http://uris.opendata.esd.org.uk/)

For example the URIs for Sedgemoor are:

- http://opendatacommunities.org/id/district-council/sedgemoor
- http://statistics.data.gov.uk/id/statistical-geography/E07000188

Where the URI for the local authority exists on opendatacommunities we recommend use of that identifier, otherwise the statistical geographies identifier could be used which refers to an area.

Effective date (optional)

Effective date is the end date of the accounting period for the data. For example, the effective data would be 31/12/2014 for a quarterly reporting period from September to December. This enables users of the data to identify for which period the data apply.

Directorate/service (department) (mandatory)

The Code requires that the department that incurred the expenditure needs to be listed. The Code refers to this as "department", but this guidance uses the more commonly used terms of "directorate" or "service" Naming the service would make them more accountable within the organisation. You may also like to categorise the service further using a standard format for greater comparability between councils (see "service categorisation", below).

Service categorisation (optional)

Service categorisation defines the service that spends the money. Local authorities have different structures and undergo frequent organisational change. So we recommend using an acknowledged service classification for describing the service. This will allow comparisons to be made between service spend in and between different organisations.

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[2] Local Government Transparency Code 2014 – Publishing Data (general guidance): http://www.local.gov.uk/practitioners-guides-to-publishing-data

The Service Reporting Code of Practice for Local Authorities (SeRCOP) is provided by the Chartered Institute of Public Finance & Accountancy (CIPFA) and recommends an objective breakdown of services that can be used. This includes a label and a code

- Service category label – represents the highest level to which costs are charged, for example Adult social care (101)
- Service category URI – is the service, division or subdivision code depending on the level at which the service is recorded. Only one URI is needed for the most detailed level.

More information can be found on the CIPFA website - http://www.cipfastats.net/sercop/. These codes are mandatory in expenditure returns to central government but not required in the Code.

There may be purchases for which you have received a 'consolidated invoice', that is, one that covers several purchase orders. In these cases, you may reflect the original coding of the transaction, rather than the coding used in the subsequent reallocation to different parts of the organisation. However, the code should still be designated to an appropriate service area.

Supplier (Beneficiary) details (some aspects of this are mandatory)

The beneficiary is the organisation or person receiving the payment, which would normally be a supplier of a service. Details of the beneficiary could include:

- the name of the supplier, which is a mandatory requirement of the Code
- the internal supplier or beneficiary reference
- register company number, where applicable
- registered charity or other relevant registration number, which is optional unless the beneficiary is a VCSE organisation and "grants to the VCSE organisations" are published under expenditure rather than in a separate register.; Only if grants to VCSE organisation are not published elsewhere and included under expenditure is the registration number mandatory

The name of the supplier should be as it appears on your vendor record. It should be written in full unless the name is redacted (see section above about exclusions). For instance, members of staff should not be named in relation to expense payments where their salary is below £150,000.

There may be payments you have made to a supplier, for example a solicitor, to enable them to make a payment to a third party. In most of these cases, you should only disclose the name of the original vendor not the end beneficiary. However, at times you may want to name the end beneficiary to avoid FOI queries.

All supplier names should appear in full. On the advice of the Information Commissioner we are not suggesting that supplier address details be published.

Providing a supplier unique reference number (URI or ID) can help users to distinguish between different suppliers with similar names. You may want to use an external code so that the supplier URI is not traceable to internal records which may be used in fraudulent claims. Basic data related to all companies on the Companies House register is available free of charge as open data. This includes a URI for each company which will help users link to other data about that company. You can find the complete dataset, plus more information about URIs on:

- Companies House website (http://download.companieshouse.gov.uk/en_output.html) or

- data.gov.uk (http://data.gov.uk/dataset/basic-company-data)

Voluntary and community organisations are normally registered with the charity commission. The charity number can be found in the charity register on http://www.charitycommission.gov.uk/find-charities/. It is good practice to record the organisation reference number at the time when a contract is awarded and make it a standard procedure as part of collating information from the organisation.

If the same supplier appears more than once under different vendor records, this is how they will appear in the published record. Payments to individual suppliers do not need to be aggregated. Each individual transaction can be shown separately.

In addition, where grants to VCSE organisations are not published in a separate register, you would also need to flag in the "Supplier VCSE" column if a supplier is a VCSE. In those circumstances, such a flag would become a mandatory requirement.

Payment date (mandatory)

This is the date the transaction took place. The date should ideally be the payment date that is recorded on your purchase or general ledger. This is not the date when the supplier receives the funds. We recommend the UK date format dd/mm/yyyy.

If it is not possible to find the payment date, look first at the possibility of using the date the invoice was added to the system. Otherwise use the invoice date. In the case of grants to the date you are using explaining why it is not possible to use the payment date.

Transaction number (optional)

This should be a unique number referring to a transaction. You may want to use the system transaction number for the payment held by the individual department or create an external unique transaction number. This may be useful to the authority if there are any follow-up questions about an individual transaction. Whichever number you use, ensure that safeguards are in place so that the number cannot be used for fraudulent claims (see fraud advice).The National Anti-fraud Network (NAFN) has advised us that invoice and order numbers should not be used, as they can be used for fraudulent claims.

We strongly recommend that a transaction number should be included, but it is not a mandatory requirement of the Code

Net amount (mandatory)

The amount disclosed is the amount recorded on the finance system for each individual transaction. The amount should be the net amount in Sterling excluding recoverable VAT.

Where VAT cannot be recovered – or the source of the data being used cannot separate out recoverable VAT – then the gross amount should be used instead. If you cannot publish amounts net of VAT, we suggest that you state this on one of the following:

- the web page where you publish the data
- the accompanying metadata text file
- the narrative (purpose), if this applies to single transactions only.

Please remember that:

- all amounts published should be in Sterling, and in pounds and pence
- pound and other currency signs should not be included
- income or other negative spend – for example, corrections – should be shown with a leading minus sign
- leading zeros – for example, as in '001' – should not be used
- commas should not be used to separate thousands of pounds.

So, for instance, a payment of £25,123 should be shown as 25123.00 and a credit of £26,123.45 should be shown as -26123.45.

Irrecoverable VAT (mandatory where applicable)

The Code requires that the amount of VAT that is not recoverable should be recorded for each item, where applicable. The amount of irrecoverable VAT should be provided where it is wholly or partly not recoverable. This should follow the same format as the expenditure amount in Sterling.

Purpose of spend (mandatory)

The Code makes it a legal requirement to publish information that makes it easy for local people to understand what good or service was purchased. In the Code this is referred to as "purpose of expenditure". This could be the descriptor that local authorities use in their accounting system providing it gives a clear sense of why the expenditure was incurred or what it purchased or secured for the local authority. In the template we have provided two fields: a summary and a narrative. The summary is for a short descriptor allowing data users to easily extract all data relating to a particular purpose, for example all spending on one building. The narrative allows local authorities to provide more detail in free text form. It is **mandatory** that at least one of these fields is completed.

You should check that the narrative does not contain any names of individuals that are protected and sensitive data that might need to be redacted (under the FOIA or DPA).

Procurement classification / merchant category (mandatory)

The Code makes it a **mandatory** requirement to provide the merchant category for each item of expenditure. These are general headings that describe the nature of expenditure, for example, computer software. Different categorisations are used for describing merchant categories. In the template - provided in Annex I we have broken this down into three possible types of procurement categories, including the use of the authority's own internal code where standardised systems are not available. Local authorities only need to use one of these systems, but the template breaks this down into three possibilities to allow use of more than one if desired.

For each procurement classification system there is a label, which briefly describes the category, and a code, which is expressed as a URI.

The ProClass procurement classification system is used by local authorities in some regions. More information about the ProClass expenditure categorisation can be found on the ProClass website – on http://proclass.dataincubator.org/.html.

The Common Procurement Vocabulary is used for Public Procurement in the EU.

Whatever procurement vocabulary local authorities use to describe a merchant category, local authorities should use a consistent purchase type.

Card transactions (mandatory if using the same register for GPC transactions)

This field allows the flagging of expenditure incurred via a GPC, and where local authorities choose to report it. This allows the reporting of such transactions to be made alongside expenditure exceeding £500, but includes transactions under £500. The reporting to all corporate credit cards is recommended but not mandatory.

Contract reference (optional)

The publication of expenditure data includes the publication of contracts, tenders and grants. It may be useful to provide a contract reference to help link between records.

Processing spending data for publication

The publication of expenditure data requires a set of processing steps as follows:

- extract the data from the finance system
- match the data to content template (see *Annex I: templates - Spending data template*.
- check the data for accuracies, and get rid of, any inconsistencies
- redact any data that is exempt from publication under the FOIA or due to licensing restrictions so that it is not published
- convert the data into a machine-readable format
- convert data into an open format following the five star formats recommended in the Code starting with machine-readable formats leading to linked data as the most advanced option (see the Converting data to open standards section in the general publishing data guidance for more details)
- publish the data on your website under Open Government License – with supporting information and commentaries for citizens and users
- register your data so that it can be found.

To prepare the data for publication follow the general guidance for publishing data http://www.local.gov.uk/practitioners-guides-to-publishing-data.

Some authorities provide shared service operations. These should provide the data in the required format to the authority they provide services to. The body responsible for the spending decision is also responsible for its publication. We recommend that authorities put arrangements in place with their shared service providers to obtain the necessary data.

Metadata should be published alongside the datasets as an accompanying plain text file or on the web page linking to the data. Using spending data as an example, this could include:

- the identifier or URI of your authority
- the name of the accounts system – including software on which the accounts and related systems run, procedures and associated programmes used
- the purchase categorisation used – that is, CIPFA, Proclass or internal etc.

- any departures from the standards listed in this guide

For example Sedgemoor District Council has published metadata about spending data on their website which also includes information about their redaction practice: http://www.sedgemoor.gov.uk/index.aspx?articleid=7206

Procurement information

This chapter provides information on the publication of procurement information, as required in the Transparency Code. The Code requires that councils provide details of:

- invitations to tender to provide goods and/or services with a value exceeding £5000
- contracts, commissioned activity, purchase orders, framework agreements and any other legally enforceable agreement with a value that exceeds £5,000.
- grants to voluntary, community or social enterprise organisations
- waste contract

Tender and contract information should be published at least on a quarterly basis, with first publication not being later than 31 December 2014. The data should be published not later than one month after the quarter to which the data and information is applicable.

Information about grants to VCSE organisations should be published at least annually with the first publication no later than 2 February 2015.

Definitions

In this guidance we use the following definitions.

Invitations to tender[3]: Invitations to tender are used in a competitive tendering process in which qualified suppliers or contractors are invited to submit sealed bids for the supply of specific and clearly defined goods or services during a specified timeframe. These are also called request for tenders.

Invitations to quote / requests for quotation[4]: Document used in soliciting price and delivery quotations that meet minimum specifications for specific goods and/or services. RFQ are usually not advertised publicly, and are used commonly for (1) standard, off-the-shelf items, (2) items built to known specifications, (3) items required in small quantities, or (4) items whose purchase price falls below sealed-bidding threshold.

Contracts: documents evidencing a legally binding agreement between two or more parties. This includes purchase orders that meet the £5000 threshold.

Standing orders: these prescribe appropriate procurement practice by authorities and align different procurement processes to spend thresholds.

Framework agreements: an overall umbrella contract covers a number of suppliers: contract data for individual contracts under the framework should be captured and reported in a contracts register format.

Contract register: these typically provide details of the procurement exercise to capture key information

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[3] Definition modified from http://www.businessdictionary.com/definition/invitation-to-tender.htm

[4] Quotation modified from http://www.businessdictionary.com/definition/request-for-quotations-RFQ.htm

about the contract (the goods and services, values, date started, expiry date, procurement category etc). The contract register should also include hyperlinks to the relevant documentation (redacted according to client confidentiality and sensitive information).

VCSE organisation: Voluntary, community and social enterprise sectors. The Code defines voluntary and community sector organisations as "a non-governmental organisation which is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives". Social enterprises A social enterprise is defined as "a businesses that trades for a social and/or environmental purpose…". There is more information about defining the VCSE sector in the *Grants to the VCSE sector* section of this guidance.

Small and medium sized enterprise (SME): An SME is an organisation with fewer than 250 employees

Processing contract information for publication

The Transparency Code sets out the need for local authorities to provide details about contracts. The information is best provided in a contract register. This can be published on a local portal, regional portal or Contract Finder (a national portal for publishing procurement information for contracts at a value £10,000 plus). The National Procurement Strategy encourages the use of regional portals.

Local authorities currently operate procurement procedures within a framework of local standing orders to support officers in making buying decisions. These are many and varied but typically align a required process to follow with the size of expenditure being committed. Nothing in the Code requires local authorities to change their locally agreed threshold for standing orders.

More and more authorities are implementing a centralised procurement function or a centralised contracts register or database covering all new contracts and buying decisions for larger purchases. Generally purchase orders (low in value and high in volume) are raised for smaller purchases. Any purchase orders over £ 5000 have now to be recorded for publication under the Code.

Where authorities have established "framework agreements" where an overall umbrella contract covers a number of suppliers: contract data for individual contracts under the framework should be captured and reported in a contracts register format.

Local authorities through regional partnership approaches are offering business portals for tendering contracts. They often include a contracts register. Contract registers are open data, and all contracts are viewable by all to extract and download all details held in machine readable format. The contracts register, therefore, needs to be available as a download on the host site. RSS style feeds could be in place to ensure data is posted to key sites e.g. www.data.gov.uk. A number of authority examples are provided in *Annex III: published examples*.

For higher spend, (£173k+), it is necessary to use the Official Journal of the European Union (OJEU) process, in which case, details are automatically public. This information can easily be incorporated in the contract register template and released in open and ultimately linked data formats. Final notices of the results are published and available to all at the closure of any OJEU process.

The Open Contracting Data Standards provide a comprehensive international standard for describing all stages of a contracting process, from planning through to tender, award, contract signature and execution. It has been developed by the Open Contracting Partnership with support from the World Bank, Web Foundation and Omidyar Network, and was launched in November 2014.
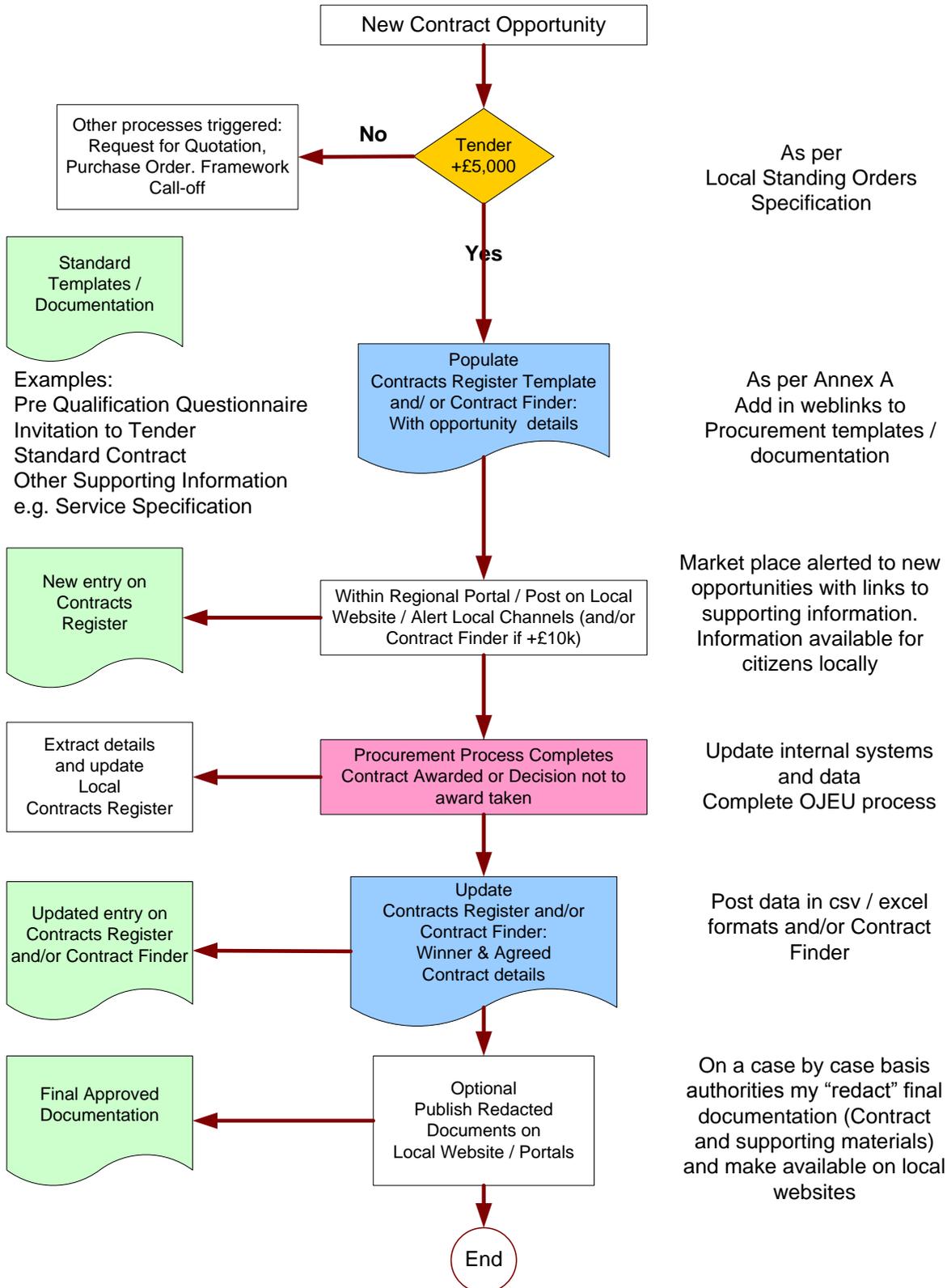
A mapping between the Local Government Transparency Code contracting schema, and the Open Contracting Data Standard (OCDS) will enable data to be joined up between levels of government, and across different countries, as well as providing a rich data model for authorities who wish to provide more information about their contracting processes.

The full standard is documented at http://standard.open-contracting.org, including guidance on linking tender and contract information through common identifiers, and best practices for publishing contracting data on the web.

We aim to take into consideration the open contracting approach for developing templates and schemas for publishing data in the contract register.

The flowchart below identifies key interfaces where documentation and information on new contracts can be published and updated during the life cycle of the procurement process. It is recognised that there will be variants to this but all processes have key milestones where information provided to third parties can be shared with the public.

Open Data: Process for publishing New Contracts and Tenders documentation and data

New Contract Opportunity

Other processes triggered: Request for Quotation, Purchase Order. Framework Call-off

No

Tender +£5,000

As per Local Standing Orders Specification

Yes

Standard Templates / Documentation

Examples:
Pre Qualification Questionnaire
Invitation to Tender
Standard Contract
Other Supporting Information
e.g. Service Specification

Populate Contracts Register Template and/ or Contract Finder: With opportunity details

As per Annex A Add in weblinks to Procurement templates / documentation

New entry on Contracts Register

Within Regional Portal / Post on Local Website / Alert Local Channels (and/or Contract Finder if +£10k)

Market place alerted to new opportunities with links to supporting information. Information available for citizens locally

Extract details and update Local Contracts Register

Procurement Process Completes Contract Awarded or Decision not to award taken

Update internal systems and data Complete OJEU process

Updated entry on Contracts Register and/or Contract Finder

Update Contracts Register and/or Contract Finder: Winner & Agreed Contract details

Post data in csv / excel formats and/or Contract Finder

Final Approved Documentation

Optional Publish Redacted Documents on Local Website / Portals

On a case by case basis authorities my "redact" final documentation (Contract and supporting materials) and make available on local websites

End

Publishing new contracts and tender documents requires a set of processing steps:

- Pulling together contracts and tendering data (for either posting on a central source, advertising on a regional portal and/or for locally based systems).
- Matching data to the Contracts Register Template *(Annex I: templates contract register).*
- Checking and cleaning data for inconsistencies.
- Adding links to supporting documentation: e.g. the contract, tender and schedules.
- Redacting data that is commercially sensitive and / or exempt from publication under the FOIA so that personal data is not published.
- Converting data into machine readable format: typically comma separated values (csv) for the register and rich text format (rtf) for documents.
- Creating linkable data to enable wider use.
- Getting internal review / sign-off.
- Publishing data on the regional procurement portals if they exist in your area and/or local website.(with supporting information and commentaries for citizens /users).
- Registering your data so that it can be found.

Data should be extracted from a contracts register based on the data fields in the template *Annex I: templates contract register* . Some of the column headings in the output may need to be renamed or manipulated to meet the template headings. Some coding may need to be adjusted or added such as authority cost centre codes, or SeRCOP classification if used.

It is recognised that not every council currently has a single system whereby all contracts are registered centrally. It is, however, recommended that such a system be adopted. In the meantime service units operating independent contract registers should be encouraged to conform to the standard template in Appendix A for publishing contract data and provide their data to a central point for collation and publishing.

Once the data is in the template format, it is advisable to check for any inconsistencies in the data such as misspellings, inconsistent codes, etc. It would also be advisable to cross check the contract register with the spending data register to confirm that supplier names, contract numbers, service units etc are identical.

Data that are exempt from publication need to be redacted from the payment data sheet. For transparency reasons, we advise that payments to any redacted data entry should be replaced with the words 'REDACTED PERSONAL DATA' or 'REDACTED COMMERCIAL CONFIDENTIALITY'. For further information see the section on exclusion under spending data.

The table below gives specific examples of transactions that should be included in publication.

No	Examples of transactions that should be published	Reason
1	Contracts with other government	All new contracts whether with other public or private

	and public sector bodies	sector bodies should be included
2	Contracts with government or other third party service providers	All new contracts should be included
3	Contracts with sole traders	Business expenditure
4	Contracts with secondees	Contracts for services rather than personal or pay bill expenditure. However, if a secondee's pay would become transparent, this should be redacted.

What should not be published

Publication of new contracts and tenders data should only include non-personal data that are published in line with existing data access regulations, namely the FOIA, the DPA and the Environmental Information Regulations (EIR). Further information is available under the Data access section in the general publishing data guidance[5].

We advise using the FOIA as a frame of reference when making judgements on redaction. FOI guidance should be applied consistently across the organisations so that the credibility of transparency reporting would not be undermined if expenditures were subsequently published under FOI. There is more information about data protection and FOI in the general requirements of data publishing guidance document.

Examples of data to be excluded/redacted

Commercially sensitive information falls under qualified exemptions. It may or may not be released depending on whether it is in the public interest to publish the data. In most instances, it is now expected that information in public sector contracts will be made available unless it falls under the DPA. Most contracts should include a clause to the effect that contractual information will be published unless the information is exempt through confidentiality clauses. For example, an exception to this would be when publication of the information could harm an organisation's intellectual property. The Information Commissioner Office has published further guidance about the release of information under public sector contracts[6].

It is recognised that supplier "Methods Statements" are likely to be classified as "commercially confidential" and that the Intellectual Property Rights (IPR) associated with this may well mean that

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[5] Local Government Transparency Code 2014 – Publishing Data (general guidance): http://www.local.gov.uk/practitioners-guides-to-publishing-data

[6] Information Commissioner Office guidance on public sector contracts: http://ico.org.uk/~/media/documents/library/Freedom_of_Information/Detailed_specialist_guides/AWARENESS_GUIDANNCE_5_ANNEXE_V3_07_03_08.ashx

significant areas of the final documentation will need review with a view to identifying precisely what needs to be redacted. However, organisations involved in the procurement process should be informed in the future that contracts and payments will be made publicly available as a form of seeking consent for the publication of any agreements and understandings reached during the procurement process.

Councils are advised to seek advice from their legal teams in making these assessments. The procedures used for any redactions will be at council discretion. However, particular attention should be paid to reducing the risk of human error as far as possible.

Redactions of contractual text should be considered in terms of the exemptions provided by the FOIA. Other redactions may also be permitted in line with the criteria set out in this guidance. There are limited circumstances where the redaction of contractual text may result in the whole contract being redacted (for example, in order to protect against crime), which would exempt it from publication.

The full list of criteria for which redactions are permitted are set out as follows:

- exemptions (absolute or qualified) provided for by the FOIA 2000, regarding the disclosure of information
- provisions provided for in the Public Contracts Regulations 2006, regarding the disclosure of confidential information
- protection of personal privacy as required under the DPA
- the protection of IPR
- third party confidential information e.g. contracts with foster carers and child minders.

Public Contracts Regulations (PCR) 2006

Regulation 43 of the PCR 2006 prohibits contracting authorities from disclosing information it has been forwarded by an economic operator (e.g. a supplier) which the economic operator has designated as confidential. Confidential information with regard to this regulation includes technical or trade secrets and confidential aspects of tenders. If any information of this type is (or is likely to appear) on the face of the contract then it may be necessary to redact it.

A "model clause" (43B/E3B) developed by the Treasury to cover this issue is provided for information see *Annex II: Transparency Clause* of this document. It is advised Council procurement teams review this and determine suitable arrangements with their legal representatives.

Intellectual Property Rights

Intellectual Property Rights (IPR) is a term referring to a number of distinct types of creations for which property rights are recognised. Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets. Common types of intellectual property include copyrights, trademarks, patents, industrial design rights and trade secrets in some cases jurisdictions.

In every agreement relating to the procurement of goods and services, the issue of ownership and licensing of IPR in the software and other items that are to be delivered under the agreement is often fundamental, and any decisions reached in this area may need to be reflected as appropriate in potential redactions in order to reduce the risk of potential infringement of IPR rights.

Councils will need to identify whether the publication of the contract includes any intellectual property, which on the face of it would infringe any of those intellectual property rights, expose confidential

information, or be of serious detriment to the intellectual property owner if published.

Third party confidential information

There may be circumstances in which a third party's confidential information is contained in the contract that the department is seeking to publish. If this is the case then because the third party is not a party to the contract, specific consent would need to be obtained from that third party prior to publishing. If consent cannot be obtained then the department may need to redact this information from the contract prior to publishing. A failure to do so may risk a breach of confidence action from the relevant third party. Councils should determine in each case whether any third party information contained in the contract is confidential.

Transparency clause

Councils should engage with current and future suppliers to ensure that they are aware of and understand the requirements of the transparency agenda with regard to publishing contracts and the implications this will have. It is the council's responsibility to manage their suppliers expectations around what will be published and the scope for exemptions and redactions. Councils are therefore advised to consider incorporating the text at *Annex II: Transparency Clause* into the relevant commercial pages of their departmental website.

Councils should ensure that when entering into a new contract, provisions are contained within the contract terms and conditions which allow for the new contract to be published. Contractual terms and conditions should be stated upfront in the tender documentation. The text for, and points to consider in a clause to allow for publication, (and other associated points) is at *Annex II: Transparency Clause*, which Councils can use. Councils will need to insert the necessary exemptions and/or redactions depending on the individual contract.

Fraud prevention

The National Fraud Authority have produced a guide on procurement fraud, *Procurement Fraud in the Public Sector*, (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118460/procurement-fraud-public-sector.pdf) which deals with the whole process, from bidding during the pre-contract award phase through to false invoicing in the post-contract award phase.

There are some specific steps local authorities can take to prevent procurement fraud. These might include:

- Only accepting requests for changes to supplier standing data in writing.
- Seeking confirmation from the supplier that the requested changes are genuine, using contact details held on the vendor data file or from previous and legitimate correspondence; and not contacting the supplier via contact details provided on the letter requesting the changes.
- Ensuring that there is segregation of duties between those who authorise changes and those who make them.
- Only authorising changes when all appropriate checks have been carried out with legitimate suppliers and only making the changes when the proper authorisations to do so have been given.
- Maintaining a suitable audit trail to ensure that a history of all transactions and changes is kept.
- Producing reports of all changes made to supplier standing data and checking that the changes were valid and properly authorised before any payments are made.

- Carrying out standard checks on invoices before making any payments.
- Regularly verifying the correctness of standing data with suppliers.

Invitation to tender and to quote

Local authorities are required to publish details of invitations to tender (ITTs) with contract values exceeding £5000.

Usually the threshold for ITTs, as opposed to a simple invitation/request for quote, is set by the local authority's standing orders and could be far higher than £5000 threshold set for publishing these by the Code. Nothing in the Code requires local authorities to change their local standing orders, but simply sets out the documents that should be published. If your standing order for ITTs is above £ 5000 than you only need to publish your ITTs for the threshold that applies to your authority. This means that, in practice, a council may produce very few, if any, ITTs with a potential contract value as low as £5000.

For each invitation to tender the following information is required:

- reference number
- title
- description of goods and/or services sought
- start, end and review dates, and
- local authority department responsible.

We have not prepared a separate template for publishing invitations to tender. The format for publishing invitation to tenders and quotes should follow the guidance for publishing contract registers. We recommend to use those components of the template that are applicable to publishing invitations to tenders.

In addition the Code recommends that data is published on

- Contracts Finder[7], as well as any other local portal, every invitation to tender or invitation to quote for contracts to provide goods and/or services with a value that exceeds £10,000. For each invitation, the details that should be published are the same as those set out above.

- Every invitation to tender for contracts to provide goods and/or services with a value that exceeds £500 instead of £5,000.

- Details of invitations to quote where there has not been a formal invitation to tender, published as per the mandatory requirement to publish invitations to tender.

- Details of invitations to tender or invitations to quote that are likely to be issued in the next twelve months. The proposed tenders should be published in the same format as the invitation to tender.

The Code does not specify whether the publication of invitations to tender should be forward or

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[7] Documentation for all procurements valued at over £10,000 is stored on Contracts Finder for public viewing as part of government's transparency commitment. https://online.contractsfinder.businesslink.gov.uk/

backward looking, but recommends that details of invitations to tender likely to be issued in the next 12 months are published.

Framework contracts/agreements may have no initial value but subsequent contracts made under the framework could have significant value and so local authorities should include tenders for framework contracts.

For higher spend, (£173k+), it is necessary to use the Official Journal of the European Union (OJEU) process, in which case, details are automatically public.

Contracts register

We recommend a common approach and format for publishing the content of the contract register to help with the sharing and analysis of data. We advise that the content of the published contract register data matches the format set out in the template provided in *Annex I: templates contract register*. This template is also available in form of a standardised schema which can be downloaded from http://schema.opendata.esd.org.uk/contract. The template is designed to record tenders, contracts and grants.

The data published in the template follows the sequence of columns prescribed and any formats or presentation conventions set out below. Any additional fields that an authority wishes to publish should conform to the advice in the general *"publishing data"* guidance and should be added after the fields listed here.

Data fields that are mandated or recommended in the code are marked accordingly in the inclusion status. Fields that are added to make the data more meaningful when compared or combined are marked as optional.

Local authorities can delete columns if they are not mandated and local authorities will not publish data for that field. Alternatively, the local authority can add further fields. However, we recommend to publish as much information as possible according to the standard to enable wider usability of the data for example in open contracting. We encourage local authorities to gradually add further information as the open contracting approach evolves and procurement processes within organisations change.

We acknowledge that local authorities have different systems and procedures in place for extracting data, and accordingly some may not be able to match all the fields recommended here.

CONTRACT REGISTER FORMAT

Local authorities must publish details of all contracts with a value greater than £5000. The specification of the contract is normally held in a contract register that contains the following information. Many good examples of contract registers exist (see Annex III for further examples).

- reference number
- title of agreement
- local authority department responsible
- description of the goods and/or services being provided
- supplier name and details

- sum to be paid over the length of the contract or the estimated annual spending or budget for the contract[8]

- VAT that cannot be recovered

- start, end and review dates

- the process used, ie whether or not the contract was the result of an invitation to quote or a published invitation to tender

- the company designation, ie whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number[9].

In addition we recommend a few additional components to make data comparable and usable in the open contracting process, which are explained below together with the above requirements.

Organisation name and organisation code (optional)

The organisation name and organisation code identifies the local authority to which assets belong and means that the file is self-describing when combined with other data

Authority information should include a unique identifier for a local authority that owns the data as datasets from various organisations may be combined. Ideally, the code should be represented in the form of a 'uniform resource identifier' (URI) used in open data standards. A URI is a string of text that provides a unique reference to a resource. See the *File formats: open and linked data* section in the general publishing data guidance[10] for further information.

Codes describing URIs are not yet available for every public organisation. A URI used in Linked Data is the preferred option. A lookup tool for URIs can be found on the LG Inform Plus website (http://uris.opendata.esd.org.uk/)

For local authorities the code could be

- the open data communities code for local authorities on http://opendatacommunities.org/data/local-authorities
- or the Office for National Statistics' (ONS) Government Statistics Services (GSS) Coding and Naming for Statistical Geographies. (http://tinyurl.com/onsgeog)

A lookup tool for URIs can be found on the LG Inform Plus website (http://uris.opendata.esd.org.uk/)

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[8] Where possible, this should be the net amount excluding recoverable Value Added Tax. Where Value Added Tax cannot be recovered – or the source of the data being used cannot separate out recoverable Value Added Tax – then the gross amount should be used instead with a note stating that the gross amount has been used.

[9] For example, this might be the company or charity registration number.

[10] Local Government Transparency Code 2014 – Publishing Data (general guidance): http://www.local.gov.uk/practitioners-guides-to-publishing-data

For example the URIs for Sedgemoor are:

- http://opendatacommunities.org/id/district-council/sedgemoor
- http://statistics.data.gov.uk/id/statistical-geography/E07000188

Where the URI for the local authority exists on opendatacommunities we recommend use of that identifier, otherwise the statistical geographies identifier could be used which refers to an area.

Effective date (optional)

Effective date is the end date of the accounting period for the data. For example, the effective data would be 31/12/2014 for a quarterly reporting period from September to December. This enables users of the data to identify for which period the data apply.

Contract reference number / ID (mandatory)

This should be a unique identifier to locate the procurement process internally and help to reduce future information requests and enquiries. If the value of the contract is above the OJEU threshold, use the OJEU reference.

Open contracting ID

Including the open contract ID ensures that the contract register is compatible with open contracting data standard (OCDS). This ID is created using "OCDS" + issuing agency's six character alphanumberic code + the contract reference.

Title of the agreement (mandatory)

This is the heading under which the contract was tendered, and helps to identify the contract in a human readable form. .

Contract type (optional)

The contract type specifies whether a contract is a single award contract, multiple award contract, framework agreement, dynamic purchasing system, grant agreement or other.

Directory/service (department) (mandatory)

The Code requires that the department responsible for the contract needs to be listed. The Code refers to this as "department", but this guidance uses the more commonly used terms of "directorate" or "service" Naming the service would make them more accountable within the organisation. You may also like to categorise the service further using a standard format for greater comparability between councils (see "service categorisation", below).

Service categorisation (optional)

Service categorisation defines the service that spends the money. Local authorities have different structures and undergo frequent organisational change. So we recommend using an acknowledged service classification for describing the service. This will allow comparisons to be made between service spend in and between different organisations.

The Service Reporting Code of Practice for Local Authorities (SeRCOP) is provided by the Chartered Institute of Public Finance & Accountancy (CIPFA) and recommends an objective breakdown of services that can be used here. This includes a label and a code

- Service category label – represents the highest level to which costs are charged, for example Adult social care (101)
- Service category URI – is the service, division or subdivision code depending on the level at which the service is recorded. Only one URI is needed for the most detailed level.

More information can be found on the CIPFA website - http://www.cipfastats.net/sercop/. These codes are mandatory in expenditure returns to central government but not required in the code.

There may be purchases for which you have received a 'consolidated invoice', that is, one that covers several purchase orders. In these cases, you may reflect the original coding of the transaction, rather than the coding used in the subsequent reallocation to different parts of the organisation. However, the code should still be designated to an appropriate service area.

Description of goods and/or services (mandatory)

You must provide a description of the goods or services being provided as a mandatory requirement of the Code. The description will identify what is covered by the contract and identify the specific nature of the spend. For example, it may describe how services are being provided to whom, by whom and where.

It may be advisable to highlight whether or not the entries are a single award contract, a multiple award or a contract or framework agreement. Entries here can clarify other details such as time periods. Free text flow is appropriate. This would be an ideal place to insert hyperlinks to key documentation used to support the procurement exercise. For example, to service specifications and standard documentation / templates e.g. standard terms and conditions, pre-qualification questionnaires etc. Providing such detail early on reduces the requirement to produce final, often more complex, documentation post completion of the exercise.

Procurement classification (optional)

Local authorities may wish go further in describing goods and services by providing a procurement classification. These are general headings that describe the nature of expenditure, for example, computer software. Different categorisations are used for describing merchant categories. In the template we have provided in the Annex we have broken this down into three possible types of procurement category, including the space to use the authority's own internal code where standardised systems are not available. Local authorities only need to use one of these systems, but the template breaks this down into three possibilities to allow use of more than one if desired.

For each procurement classification system there is a label, which briefly describes the category, and a code to fill in, which is expressed as a URI.

The ProClass procurement classification system is used by local authorities in some regions. More information about the ProClass expenditure categorisation can be found on the ProClass website – on http://proclass.dataincubator.org/.html.

The Common Procurement Vocabulary is used for Public Procurement in the EU. http://ec.europa.eu/internal_market/publicprocurement/rules/cpv/index_en.htm .

Whatever procurement vocabulary local authorities use to describe a procurement category, local authorities should use a consistent purchase type.

Dates (mandatory)

The Code requires that for each contract certain dates **must** be published:

- start date
- end date
- review date

Furthermore we recommend including an extension date, which is the latest date by which the contract could be extended.

We advise the use of the UK date format DD/MM/YYYY. Using a date should ensure that transactions are only disclosed once, and should be consistently applied.

Contract value (mandatory)

Authorities may wish to disclose the full amount of the contract or anticipated value of the framework (this is required under the Official Journal of the European Union OJEU). However, councils may wish to provide additional information in the description of services section to explain the sums involved, eg the full value may be spread over several years or the contract may not mean that the full amount will be spent. In this instance you may publish the estimated annual value of the contract. A flag will allow the authority to specify if the value is the full amount or an annual estimated value.

All transactions above the reporting threshold should refer to the total amount payable excluding recoverable VAT and be published in pounds Sterling and pence. Further information is provided under expenditure.

Irrecoverable VAT (mandatory if applicable)

The Code requires that the amount of VAT that cannot be recovered should be recorded for each item, where applicable and possible to identify at contract stage. This field applies even if VAT is only partly irrecoverable. This should follow the same format as the expenditure amount in Sterling.

Supplier details (some aspects of this are mandatory)

The supplier is the organisation or person being contracted to supply the goods or services. Details of the beneficiary could, and in some cases must, include:

- the name of the supplier, which is a mandatory requirement of the Code
- the internal supplier or beneficiary reference
- register company number, where applicable
- registered charity number or other relevant registration number, which is mandatory if the contract is with a VCSE organisation,

The name of the supplier should be as it appears on your vendor record. It should be written in full unless the name is redacted (see the Data access section in the general publishing data guidance). For instance, members of staff should not be named in relation to expense payments where their salary is

below £150,000.

There may be payments you have made to a supplier, for example a solicitor, to enable them to make a payment to a third party. In most of these cases, you should only disclose the name of the original vendor not the end beneficiary. However, at times you may want to name the end beneficiary to avoid FOI queries.

All supplier names should appear in full. On the advice of the Information Commissioner we are not suggesting that supplier address details be published.

Providing a supplier unique reference number (URI or ID) can help users to distinguish between different suppliers with similar names. You may want to use an external code so that the supplier URI is not traceable to internal records. Basic data related to all companies on the Companies House register is available free of charge as open data. This includes a URI for each company which will help users link to other data about that company. You can find the complete dataset, plus more information about URIs on:

- Companies House website (http://download.companieshouse.gov.uk/en_output.html) or
- data.gov.uk (http://data.gov.uk/dataset/basic-company-data)

Voluntary and community organisations are normally registered with the charity commission. The charity number can be found in the charity register on http://www.charitycommission.gov.uk/find-charities/.

It is good practice to record the organisation reference number at the time when a contract is awarded and make it a standard procedure as part of collating information from the organisation.

You must identify whether

- the supplier is an SME
- the supplier is a VCSE organisation

SMEs are defined as organisations with fewer than 250 employees. For the definition of VCSE organisations, please see the Grants to VCSE section below. Identifying whether or not a supplier is an SME and/or a VCSE sector organisation is a mandatory requirement of the Code

The VCSE supplier type provides information disaggregated by the voluntary and community sector category (e.g. whether it is registered with Companies House, a charity or charitable incorporated organisation, community interest company, industrial and provident society, housing association, etc) as recommended in the Code.

Nominated contact point

We suggest including a nominated contact point for any queries about a particular contract. Local authorities may want to include a name or service,contact email address and/or a web address.

Tender process type (mandatory)

This field identifies whether the contract resulted from a published invitation to tender or an invitation to quote. An invitation to quote may have been used if the contractor was called off from a framework agreement.

Related documents and information (recommended/optional

The Code **recommends** including information related to the performance of the contract against "contractual key performance indicators". In the contracts template at the Annex of this document we have included a field to include links to such information.

Local authorities may also wish to links to original tender documents and the full contract itself, subject to necessary redactions. We have included optional fields to accommodate URLs to these documents in the template.

Geographic coverage (recommended)

The Code recommends that the geographic coverage of contracts is published. We suggest including the name of the location served by the contract, which should be a predefined spatial area such as a ward or neighbourhood, plus a URI. URIs from official geographies must come from http://statistics.data.gov.uk and for unofficial geographies or 'neighbourhoods' from http://neighbourhoods.esd.org.uk. Further information is available under open data formats in the general guidance on publishing data[11].

Grants to VCSE organisations

The Code requires local authorities to publish all grants to the VCSE organisations, which includes payments with values less than £500, on an annual basis at the least. The data file for publishing VCSE grants can be in the same format as that used for publishing all expenditure exceeding £500 or published procurement information.

We suggest, however, that the contracts register format is more appropriate for publishing VCSE grants, and that these should be published in a separate data file. Local authorities may nevertheless wish to flag where items of expenditure over £500 as grants to VCSE organisations. Alternatively, open grant giving standards for grant registers are being developed as well which provides greater comparability of information and VCSE organisations are increasing using such standards.

The 360 Giving Data Standard is built to increase the transparency and effectiveness of grant making. Initially designed for trusts, foundations and other philanthropists, it provides a detailed schema for describing grants that can also be used to describe local authority grant making.

With an increasing number of national and local grant makers publishing data using the 360 Giving Standard, publishing grants data using, or that can map to, the 360 Giving Standard, will allow a full picture of funding flows to the non-profit sector.

The 360 Giving Standard can be found at http://threesixtygiving.com/. It is currently in beta, with a final version available early 2015, which will be published along with guidance for local authorities seeking to use the standard, or join up with data from other publishers.

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[11] Local Government Transparency Code 2014 – Publishing Data (general guidance): http://www.local.gov.uk/practitioners-guides-to-publishing-data

Definition of voluntary, community and social enterprise organisations

The Code defines voluntary and community sector organisations as "a non-governmental organisation which is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives".

A voluntary or community organisation could potentially take a number of forms, from a very small charity or group of individuals with a turnover under £5000, to a profit-making social enterprise or a large national charity.

Social enterprises are defined as "a business that trades for a social and/or environmental purpose and is a business which:

- aims to generate its income by selling goods and services, rather than through grants and donations
- is set up to specifically make a difference, and
- reinvests the profits it makes for the purpose of its social mission"

Examples of organisations that a local authority might include as in the VCSE sector are:

a. organisations registered with Charity Commission England and Wales, Office of the Scottish Charities' Regulator and the Charity Commission for Northern Ireland
b. organisations of social benefit, often registered as companies limited by guarantee, but which choose not to register as charities
c. hived-off parts of former statutory services, for example residential care homes, sports and recreation centres, usually registered as companies limited by guarantee, or with the Charity Commission
d. housing associations
e. co-operatives, mutual and social economy bodies and/or registered as Community Interest Companies (CIC)
f. community groups with some degree of organisation, but without registered status
g. ad hoc steering groups and economic and community development bodies, often newly-created for the purpose
h. partnerships and hybrid bodies, with independent status
i. churches and religious groups (where they are funded to provide socially-driven services, for example play for children, older people's groups)
j. voluntary hospitals (for example military hospitals and other hospitals registered as charities)
k. independent, private or fee-paying schools and special ("non-maintained") schools
l. independent research institutes and units
m. social, recreational and sports clubs of community benefit, members of the Clubs and Institutes Union (CIU).

Examples of organisation that might not be included are:

a. NHS Trust funds and charitable funds held by any other local government body
b. universities, adult education colleges (higher and further education institutions) and all Voluntary-Aided or Foundation schools i.e. the maintained education sector, even where it has charitable status
c. all other exempt charities, for example private trusts
d. work-based co-operatives and economic co-operatives such as the Co-operative Society and

mutual building societies

e. all Government agencies and non-departmental public bodies that have charitable status (for example, the Arts Council England, the National Institute of Adult Continuing Education, the Big Lottery Fund)
f. sports clubs which operate exclusively for profit, including most professional football clubs
g. private social and sports clubs that have a closed membership (for example most golf clubs), except where they can demonstrate wider public benefit.

We suggest that councils reference the Charity Commission or Community Interest Company (CIC) registration number of an organisation, where they have one. This would provide a first step for providing comparable data between councils, since the vast majority of spending on the VCS goes to such organisations.

The charity number can be found in the charity register on http://www.charitycommission.gov.uk/find-charities/.

Publishing contracts

In addition to the contract register, the actual contract and tender documentation should be made available in rich text format (rtf). For ease of use by the public the contract register should contain embedded links to these source documents.

The Code recommends publishing:

- all contracts in their entirety where the value of the contract exceeds £5,000[12]
- details of performance against contractual key performance indicators.

When publishing the contract the authority needs to ensure that personal and commercial sensitive information is redacted from the contact in line with the FOIA and DPA (refer to the section for more information about what should not be published).

In addition, the Code recommends publishing details of performance against contractual key performance indicators. We invite good practice examples from local authorities how this can be best published.

Waste collection contract information

The Code mandates local authorities to also publish details of their existing waste collection contracts as outlined in the contract register at the point they first publish quarterly contract information. This is a one-off requirement relating to present contracts, since future contracts will be covered under the contract register provision of the Code. The authority only needs to publish a waste collection contract where there is one in place. In the spirit of the Code, this requirement only relates to council household waste collection arrangements.

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[12] Where a contract runs into several hundreds of pages or more, a local authority should publish a summary of the contract or sections of the contract, if this would be more helpful to local people and businesses.

Annex I: templates

Spending data template

The table below displays the fields that must, should or can be used when publishing spending data. The template can be used for publishing expenditure over £500, GPC transactions (plus corporate credit card transactions where local authorities choose to report this) and grants to the VCSE organisations. This can be published in the same file or as separate files. Note, that the frequencies and threshold for publishing the data various between the different requirements. Where councils choose to publish a particular expenditure type more frequently, for example publishing grants quarterly rather than annually, they can be published in the same CSV file.

The template includes fields that may not be required by all local authorities publishing data under the Code. For example a number of fields are given for different procurement classifications – this does not mean we are suggesting that all are used, but we have included columns to enable councils to include as much as they wish.

Data fields that are mandated or recommended in the code are marked accordingly in the inclusion status. Fields that are added to make the data more meaningful when compared or combined are marked as optional. Local authorities may wish to delete fields that are not mandated.

The template is also available as a standardised schema which can be downloaded from http://schemas.opendata.esd.org.uk/Spend.

Column	Field name	What is required	Reason for inclusion	Additional information	Inclusion status
1.	Organisation name	Name of the organisation making the payment	Aids readability for casual reading		Optional

2.	Organisation Code	A unique code to identify an organisation	To allow the file to be self-describing	Codes describing URIs are not available for every public organisation. A URI used in Linked Data is the preferred option. A lookup tool for URIs can be found on the LG Inform Plus website (http://uris.opendata.esd.org.uk/) For local authorities the code can be • the open data communities code for local authorities on http://opendatacommunities.org/data/local-authorities • or the Office for National Statistics' (ONS) Government Statistics Services (GSS) Coding and Naming for Statistical Geographies. (http://tinyurl.com/onsgeog)	Optional
3	Effective date	Date at which the information provided is true		The end date of accounting period. The UK date format (dd/mm/yyyy) should be used.	Optional
4	Directorate / service where expenditure incurred	The organisational unit responsible for spending the money.	Adds accountability to the particular service area within the local authority. Required by the Code	Some authorities may want to name the directorate/service in addition to the service categorisation. The Code refers to responsible "department", rather than the more commonly used terms "directorate" and "service".	Mandatory
5	Service Category label	SerCop label	Distinct from the local authority department responsible in that	Represents the highest level to which costs are charged. We propose to use the SeRCOP objective category for	Recommended

			this would be a standardised description to compare between different authorities	service areas. For example: Adult Social Care.	
6	Service category URI	The code which represents the service or service division.		Service, division or subdivision code depending at which level the service is recorded. Only one URI code is required for the most detailed level.	Recommended
7	Supplier (Beneficiary) name	The full name of the supplier or beneficiary	To identify the recipient of the spend	The name of the supplier named on departments' own vendor record can be used. Where the same supplier has been recorded using different naming conventions, there is no need to aggregate. However these multiple versions will appear in the published record. For records of expenses for staff earning a salary under £150,000, the name should be redacted.	Mandatory unless redacted
8	Local supplier (beneficiary) internal reference	An internal ID of the supplier or beneficiary	To allow suppliers with the same name to be distinguished from each other and to allow matching of the same supplier even if the name is changed		Optional
9	Supplier	Companies House	To allow suppliers		Optional

	registered company number	number, where applicable	with the same name to be distinguished from each other and to allow matching of the same supplier even if the name is changed		
10	Supplier registered charity number	Registered charity number, where applicable	To allow suppliers with the same name to be distinguished from each other and to allow matching of the same supplier even if the name is changed. Required by the Code	The Transparency Code states this as a mandatory requirement if the organisation is a voluntary, community or social enterprise organization (if the organization is registered) and the VCS spend is not published as a separate grant register	Optional, mandatory where the VCSE grants are not published as a separate register
11	VCSE grant	Flag of whether the spend is a VCSE grant	To identify where spend is a grant to the voluntary community and social enterprise sector	This flag is only required if the VCSE grants register is not published elsewhere.	Optional or mandatory where VCSE grants are not published as a separate register
12	Payment date	The payment date as recorded in the department's purchase or general ledger.	To identify the date that the transaction took place..	The UK date format (dd/mm/yyyy) should be used. Leading zeros should be used where necessary so that the string is precisely 10 characters – for example 01/09/2010)	Mandatory

13	Transaction number	A unique reference number for each individual expenditure transaction	To act as a reference number when dealing with enquiries or FOI requests	The transaction number used in departments' own systems may be used	Optional
14	Net Amount	The actual value of the transaction	To identify the full cost of the transaction	Amounts should be in sterling and exclusive of VAT unless VAT is not recoverable. Values should be in pounds and pence. Each entry should include a decimal point and exactly two digits for pence. Pound or other currency signs should not be included. Income or other negative spend –for example corrections – should be shown with a leading minus sign. Leading zeros should not be used. Commas should not be used to separate thousands of pounds. So, for instance, a payment of £25,123 should be shown as 25123.00 and a credit of £26,123.45 should be shown as -26123.45. For expense payments to staff thus should be each payment to staff, rather than each transaction by the staff member. Ie the cumulative total per month.	Mandatory
15	Irrecoverable VAT	The value of VAT that cannot be recovered	A mandatory requirement of the Code	Values should be in pounds and pence. Each entry should include a decimal point and exactly two digits for pence. Pound or other currency signs should not be included.	Mandatory, where some VAT is not recoverable
16	Purpose of spend	A description in words for the details of the transaction	This might be stored as a commentary in the accounts system,	Used to articulate the purpose and explain how the money will be used. This field is equivalent to "description of goods or services" in the contract register template	Mandatory

			and inclusion will help explain the payment	This could be the descriptor that local authorities use in their accounting system providing it gives a clear sense of why the expenditure was incurred or what it purchased or secured for the local authority. If not, then more detailed description can be included in the narrative field.	
17	Procurement classification / merchant category: Council's procurement category name	A the local procurement category label.	To facilitate local analysis of procurement data category"	Procurement classification / merchant category is a **mandatory** requirement of the Code. We suggest three possible classifications that can be used, but local authorities may use any as long as it satisfies the requirments of the Code. Council's procurement category, the CPV label and code and the Proclass label and code are all possible procurement classifications that can be used. This spending data file template keeps these three possibilities in separate fields to allow councils to use more than one to facilitate mapping between the different classification schemes, For each type of classification there is a label field and a code field to complete	Mandatory if no other merchant category is used, otherwise optional
18	Procurement classification / merchant category: CPV label	A description of the Common Procurement Vocabulary(CPV) category of spend	To promote and facilitate analysis and use of data between organisations	Procurement classification / merchant category is a **mandatory** requirement of the Code. We suggest three possible classifications that can be used, but local authorities may use any as long as it satisfies the requirments of the Code. Council's procurement category, the CPV label and code and the Proclass label and code are all possible procurement classifications that can be used. This spending data file template keeps these three possibilities in separate fields to allow councils to use more than one	Mandatory if no other merchant category is used, otherwise optional If the CPV label is used you should also enter the CPV code in the following field

				to facilitate mapping between the different classification schemes, For each type of classification there is a label field and a code field to complete	
19	Procurement classification / merchant category: CPV code	CPV code used to identify the goods and services purchased	To promote and facilitate analysis and use of data between organisations		Optional
20	Procurement classification / merchant category: Proclass label	A description of the Proclass category of goods and services purchased	To promote and facilitate analysis and use of data between organisations	Procurement classification / merchant category is a **mandatory** requirement of the Code. We suggest three possible classifications that can be used, but local authorities may use any as long as it satisfies the requirments of the Code. Council's procurement category, the CPV label and code and the Proclass label and code are all possible procurement classifications that can be used. Thisspending data file template keeps these three possibilities in separate fields to allow councils to use more than one to facilitate mapping between the different classification schemes, For each type of classification there is a label field and a code field to complete	Mandatory if no other merchant category is used, otherwise optional If the Proclass label is used you should also enter the Proclass code in the following field
21	Procurement classification / merchant category: Proclass code	Proclass code used to identify the category of goods and services purchased	To promote and facilitate analysis and use of data between organisations.		

22	Card Transaction	Whether the transaction was completed using a Government Procurement Card, a corporate credit card	The Code makes it mandatory to publish all Government Procurement Card (GPC) transactions including those with a value less than £500. publication of all expenditure on corporate credit cards (CCC) is recommended	Options: • GPC (for government procurement cards) • CCC (for corporate credit cards) • None	Mandatory if using the same register for GPC transactions
23	Contract reference	contract ID number	Authorities will ultimately be publishing contract details, and inclusion of this field allows easy linking.	Provide a contract ID number listed in contract register if known	Optional

Contract register template

The table displays the fields that must, should or can be used when publishing contract and tender information under the Code. Data fields that are mandated or recommended in the code are marked accordingly in the inclusion status. Fields that are added to make the data more meaningful when compared or combined are marked as optional.

As with spending data template, the contract register template includes fields that may not be required by all local authorities publishing data under the Code. For example a number of fields are given for different procurement classifications – this does not mean we are suggesting that all are used, but we have included columns to enable councils to include as much as they wish. Local authorities may wish to delete fields that are not mandated.

The template is also available as a standardised schema which can be downloaded from http://schemas.opendata.esd.org.uk/Contracts.

Column	Field Name	What Is Required	Reason For Inclusion	Additional Information	Inclusion status
1	Organisation name	Name of the contracting organisation (Local Authority)	Aids readability for casual reading		Optional
2	Organisation Code	A unique code to identify an organisation.	To allow the file to be self-describing	Codes describing URIs are not available for every public organisation. A URI used in Linked Data is the preferred option. A lookup tool for URIs can be found on the LG Inform Plus website (http://uris.opendata.esd.org.uk/) For local authorities the code can be • the open data communities code for local authorities on http://opendatacommunities.org/data/local-	Optional

				authorities or the Office for National Statistics' (ONS) Government Statistics Services (GSS) Coding and Naming for Statistical Geographies. (http://tinyurl.com/onsgeog)	
3	Effective date	Date at which the information provided is true		The end date of accounting period	Optional
4	Contract Reference number / ID	This should be the OJEU contract ID, unless the contract is below the OJEU threshold, whereby the councils own ID should be used	To identify the specific procurement exercise. Required by the Code.	Assists is locating the details and speeds up the response to any request for information.	Mandatory
5	Open Contracting ID	"OCDS" + issuing agency 6 character alphanumeric code + contract reference	Required for compatibility with OCDS		Optional
6	Title of the Agreement	Name of contract being award as per definition in original tender.	To identify the contract under which the money will be spent. Required by the Code.		Mandatory

7	Contract type	Identify the different contract types		The contract type specifies whether a contract is a single award contract, multiple award contract, framework agreement, dynamic purchasing system, grant agreement or other.	Optional
8	Directorate/service responsible	Name of the directorate or service responsible for the contract	Adds accountability to the particular service area within the local authority. Required by the Code	The Code refers to responsible "department", rather than the more commonly used terms "directorate" and "service".	Mandatory
9	Service Category label	SerCop label and URI	Distinct from the local authority department responsible in that this would be a standardised description to comparison between different authorities	Represents the highest level to which costs are charged. We propose to use the SeRCOP objective category for service areas. For example: Adult Social Care.	Optional
10	Service category URI	The code which represents the service or service division.		Service or Division Code depending at which level the service is recorded. Only one URI code is required for the most detailed level.	Optional
11	Description of goods and services	Statement of what is covered by the contract e.g. Services being provided to whom,	To identify the specific nature of the spend. Required by the	Used to articulate to purpose and explain how the money will be used. Ensure weblinks are available to supporting documentation e.g. service specification and required templates on key documentation.	Mandatory

		by whom and where	Code		
12	Procurement classification: Council's procurement category label	A description of the local procurement category.	To facilitate local analysis of procurement data. category"	Council's procurement category, the CPV label and code and the Proclass label and code are all possible procurement classifications that can be used. This contract register schema keeps these three possibilities in separate fields to allow councils to use more than one to facilitate mapping between the different classification schemes, For each type of classification there is a label field and a code field to complete	Optional
13	Procurement classification: CPV label	A description of the Common Procurement Vocabulary category of spend	To promote and facilitate analysis and use of data between organisations	Council's procurement category, the CPV label and code and the Proclass label and code are all possible procurement classifications that can be used. This contract register schema keeps these three possibilities in separate fields to allow councils to use more than one to facilitate mapping between the different classification schemes, For each type of classification there is a label field and a code field to complete	Optional If the CPV label is used you should also enter the CPV code in the following field
14	Procurement classification: CPV code	CPV code used to identify the goods and services purchased	To promote and facilitate analysis and use of data between organisations		Optional

45

15	Procurement classification: Proclass label	A description of the Proclass category of goods and services purchased	To promote and facilitate analysis and use of data between organisations	Council's procurement category, the CPV label and code and the Proclass label and code are all possible procurement classifications that can be used. This contract register schema keeps these three possibilities in separate fields to allow councils to use more than one to facilitate mapping between the different classification schemes, For each type of classification there is a label field and a code field to complete	Optional If the Proclass label is used you should also enter the Proclass code in the following field
16	Procurement classification: Proclass code	Proclass code used to identify the category of goods and services purchased	To promote and facilitate analysis and use of data between organisations.		
17	Contract start date	Date the contract commenced.	To identify the date that the contract went live. Required by the code.	The UK date format (DD/MM/YYYY) should be used. Leading zeros should be used where necessary so that the string is precisely 10 characters (e.g. 01/09/2010)	Mandatory
18	End date	Date the contract is planned to end.	To identify the date that the contract will end. Required by the Code	The UK date format (DD/MM/YYYY) should be used. Leading zeros should be used where necessary so that the string is precisely 10 characters (e.g. 01/09/2010)	Mandatory

19	Review date	This is the date that the contract is to be reviewed, if at all	Required by the Code	The UK date format (DD/MM/YYYY) should be used. Leading zeros should be used where necessary so that the string is precisely 10 characters (e.g. 01/09/2010)	Mandatory, where relevant
20	Last extension date	Details of the time period applicable should the contract be extended, if applicable. This is the latest date that it would be possible to extend the contract	To indicate any additional time period that may be used before date that the contract will finally expire.		Optional
21	Contract value	The actual value of the contract award / framework. Sum to be paid over the length of the contract	To identify the potential spend associated with this exercise	Sum to be paid over the length of the contract or the estimated annual spending or budget for the contract

Amounts should be in sterling and inclusive of irrecoverable VAT. Pound or other currency signs should not be included.   Commas should not be used to separate thousands of pounds. So, for instance, a value of £125,123 should be shown as 125123.00. | Mandatory |
| 22 | Fixed cost / estimated cost | Whether the cost is estimated or a fixed cost | To identify whether the contract value is fixed or whether it is an estimate | | Optional |

23	Irrecoverable VAT	The amount of VAT that is not recoverable	To identify the potential spend associated with this exercise	The format should be the same as for the contract value	Mandatory
24	Supplier Name	The full name of the supplier	To identify the recipient of the spend	If no central system available, the name of the supplier named on departments' own vendor record can be used.	Mandatory
25	Supplier registered company number	Companies House number, where applicable	To allow suppliers with the same name to be distinguished from each other and to allow matching of the same supplier even if the name is changed		Recommended
26	Supplier registered charity number	Registered charity number, where applicable	To allow suppliers with the same name to be distinguished from each other and to allow matching of the same supplier even if the name is changed. Required by the Code	The Transparency Code states this as a mandatory requirement if the organisation is a voluntary, community or social enterprise organisation.	Mandatory, where applicable

27	Other supplier ID	The local authority's own reference for the supplier or other ID	To allow suppliers with the same name to be distinguished from each other and to allow matching of the same supplier even if the name is changed	This could be internal reference or other ID	
29	SME supplier	Flag of whether or not the supplier is an SME	The Code requires councils identify where contracts have been let to small and medium sized enterprises (SME)		Mandatory
30	VCSE supplier	Flag of whether the supplier is a VCSE organisation	To identify spend across voluntary community and social enterprise sectors		Mandatory
31	VCSE supplier type	VCSE supplier disaggregated by voluntary and community sector category		Encoded drop down list • Companies House • Charity or Charitable Incorporated Organisation • Community Interest Company • Industrial and Provident Society • Housing Association • Other • Not known	Recommended

32	Nominated contact point: name	Details provided as to who to contact to respond to queries	To speed up requests for information and clarifications.	The name can refer to a genericservice that handles contract and procurement requests.	Optional
33	Nominated contact point: email	Email address to reach nominated contact	To speed up requests for information and clarifications.	This can be a generic e-mail address.	Optional
34	Nominated contact point: URL	Web address for nominated contact	To speed up requests for information and clarifications.		Optional
35	Tender process type	Whether the contract resulted from a request for quotation or a published invitation to tender	Required by the Code	Use a drop down : • Invitation to tender • Invitation to quote • Other A simple invitation to quote may have been used if the contractor was called off from a framework agreement.	Mandatory
36	Tender document URL	A URL to the original tender document	To provide context and background to the contract	This can go to OJEU, the framework or directly to the original tender document	Optional
37	Contract document URL	A URL to the contract document			Optional
38	Performance information URL	A URL to further information about the contact	Recommended by the Code		Recommended

		including performance against key indicators			
39	Location served label	Administrative area, Ward or Neighbourhood,		Predefined spatial area such as ward or neighbourhood	Recommended
40	Location served URI	URI of the location		A predefined spatial area that the application is contained in. URIs for official geographies (e.g. wards) must come from http://statistics.data.gov.uk and for unofficial geographies from http://neighbourhoods.esd.org.uk.	Recommended

Annex II: Transparency Clause

It is advised that councils include a transparency clause up front in contracting with suppliers. Below are two examples authorities may wish to discuss with legal teams and adapt for their own use:

1. Simple "Boiler Plate" Transparency Clause
2. OGC ICT Contracts suggested Transparency Clause

Simple "Boiler Plate" Transparency Clause

a. The Parties acknowledge that, except for any information which is exempt from disclosure in accordance with the provisions of the FOIA ("the Act") the text of this Agreement, and any Schedules to this Agreement, is not Confidential Information. The Authority shall be responsible for determining in its absolute discretion whether any part of the Agreement or its Schedules is exempt from disclosure in accordance with the provisions of the Act

b. Notwithstanding any other term of this Agreement, the Contractor hereby gives its consent for the Authority to publish this Agreement and its Schedules in its entirety, including from time to time agreed changes to the Agreement, to the general public in whatever form the Authority decides.

OGC ICT Contracts suggested Transparency Clause

This information has been produced by the OGC for Government ICT contracts and is included here for information as it may provide a basis for councils to amend existing contracts so they are suitable for use when instructing suppliers at the commencement of a procurement exercise.

New clauses 43A/E3A and 43B/E3B

Core – Right to Publish

The first new clause clarifies that the content of the contract is not confidential information except any information which can be withheld from publication after a Freedom of Information Act analysis has been conducted. In the ICT Model Terms and Conditions an amendment to the definition of Contractor's Confidential Information is also needed. This is to make it clear that the parties do not intend the content of the contract to fall within the restrictions on dealing with Confidential Information which are placed on the parties in the contract, or in law. The second new clause expressly gives the Authority the Contractor's consent to publish the contract to the general public.

ICT Model Terms

43A   The parties acknowledge that, except for any information which is exempt from disclosure in accordance with the provisions of the FOIA, the content of this Agreement is not Confidential Information. The Authority shall be responsible for determining in its absolute discretion whether any of the content of the Agreement is exempt from disclosure in accordance with the provisions of the FOIA.

43B   Notwithstanding any other term of this Agreement, the Contractor hereby gives his consent for the Authority to publish the Agreement in its entirety, including from time to time agreed changes to the Agreement, to the general public.

Change to definition in the ICT Contract

"Contractor's Confidential Information"	any information, which has been designated as confidential by either Party in writing or that ought reasonably to be considered as confidential however it is conveyed, including information that relates to the business, affairs, developments, trade secrets, know-how, personnel and suppliers of the Contractor, including IPRs, together with all information derived from the above, and any other information clearly designated as being confidential (whether or not it is marked as "confidential") or which ought reasonably to be considered to be confidential;

ERG (OGC) Model Terms

E3A   The parties acknowledge that, except for any information which is exempt from disclosure in accordance with the provisions of the FOIA, the content of this Contract is not Confidential Information. The Client shall be responsible for determining in its absolute discretion whether any of the content of the Contract is exempt from disclosure in accordance with the provisions of the FOIA.

E3B   Notwithstanding any other term of this Contract, the Contractor hereby gives his consent for the Client to publish the Contract in its entirety, including from time to time agreed changes to the Agreement, to the general public.

Other Elements

The Authority may wish to consider adding the following clause about consultation with the Contractor and assistance.

43C

> The Authority may consult with the Contractor to inform its decision regarding any exemptions but the Authority shall have the final decision in its absolute discretion.
>
> The Contractor shall assist and cooperate with the Authority to enable the Authority to publish this Agreement.

E3C

> The Client may consult with the Contractor to inform its decision regarding any redactions but the Client shall have the final decision in its absolute discretion.
>
> The Contractor shall assist and cooperate with the Client to enable the Client to publish this Contract.

Change to Commercially Sensitive Information definition

The Commercially Sensitive Information Schedule should be subject to the same Freedom of

Information Act analysis as the rest of the contract. However, if the Contractor wishes to state that something is commercially sensitive which would otherwise not be published as part of the contract then it may be preferable for it to be communicated to the Authority in a separate letter. This may occur where the parties agree that it is not an operational necessity for the information to appear of the face of the contract. An amendment is not needed in the ICT Model Terms and Conditions.

ERG (OGC) General Model Terms

"Commercially Sensitive Information"	means the information (i) listed in the Commercially Sensitive Information Schedule; or (ii) notified to the Client in writing (prior to the commencement of this Agreement) which has been clearly marked as Commercially Sensitive Information comprised of information:
	(a) which is provided by the Contractor to the Authority in confidence for the period set out in that Schedule or notification; and/or
	(b) that constitutes a trade secret.

Annex III: Published examples

Local contract registers:

A number of Councils already are providing useful information directly to citizens: see links below :

Barnsley Council: http://www.barnsley.gov.uk/pid828

Charnwood Borough Council: https://www.charnwood.gov.uk/pages/contracts_and_tender_data

Crawley Borough Council jointly with three other councils:
http://www.crawley.gov.uk/stellent/idcplg?IdcService=SS_GET_PAGE&nodeId=40

Lancashire County Council:
http://www.lancashire.gov.uk/corporate/web/?siteid=5761&pageid=32240&e=e

LB of Redbridge:
http://www2.redbridge.gov.uk/cms/business_and_consumers/doing_business/contracts_and_procurement/contracts_register.aspx

Norfolk County Council:
http://www.norfolk.gov.uk/Council_and_democracy/Your_information/Open_Data/Contracts_and_grants_register/index.htm

Regional portals

Yorkshire and the Humber region – procurement portal https://www.yortender.co.uk

The South East business portal.
https://www.businessportal.southeastiep.gov.uk/sece/contracts.nsf/fcontent?ReadForm&requesttype=view&requestview=authority&start=1&count=10&contentid=1.002

Contract Finder:

National portal for contracts at a value £ 10,000 plus:
https://online.contractsfinder.businesslink.gov.uk/

Open Contracting

Open contracting refers to norms and practices for increased disclosure and participation in public contracting including tendering, performance and completion: www.open-contracting.org

For more information please contact

Research and Information

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Contact the Local Government Association

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We consider all requests on an individual basis.