



Crown
Commercial
Service

Procurement Policy Note – Increasing the Transparency of Contract Information to the Public

Action Note 13/15 31 July 2015

Issue

1. On 24 March 2015, the Government published a set of general transparency principles that require public procurers proactively to disclose contract and related information that may previously have been withheld on grounds of commercial confidentiality. This new presumption in favour of disclosure of information requires procurers to set out in advance of a contract award, the types of information to be disclosed to the public, and then to publish that information in an accessible format.
2. The principles are published here: <https://www.gov.uk/government/publications/transparency-of-suppliers-and-government-to-the-public>

Dissemination and Scope

3. The contents of this PPN apply to all central government departments including their Executive Agencies and Non-Departmental Public Bodies (NDPBs). Together these are referred to in this PPN as 'In-Scope Organisations'. Please circulate this document within your organisation, drawing it to the attention of those with a purchasing role. All other contracting bodies are strongly encouraged to adopt Government's new approach.

Timing

4. This Action Note applies to contracts advertised on or after the 1st September 2015.

Action

5. In-Scope Organisations are required to take the following key actions:-
 - for all new procurements advertised on or after 1st September 2015, discuss additional transparency requirements with suppliers as early as possible in the procurement process to agree the types of information to be disclosed on contract award. To do this public procurers should familiarise themselves with the types of information that has been redacted on contracts historically or withheld under FOIA and use this as the basis of discussions with suppliers;
 - explore a range of types of information for disclosure which might typically include:-
 - i. contract price and any incentivisation mechanisms
 - ii. performance metrics and management of them
 - iii. plans for management of underperformance and its financial impact
 - iv. governance arrangements including through supply chains where significant contract value rests with subcontractors
 - v. resource plans
 - vi. service improvement plans;
 - continue to ensure this information is made available to, and is accessible by, the public either by uploading the information into the 'Transparency' section of their own websites on gov.uk
 - update the information as required during the life of the contract so it remains current; and
 - ensure they do not over-redact contracts and that any redactions they do make should be in line with these Transparency Principles.

Considerations

6. There remain some limitations on what can be disclosed and these reflect the Freedom of Information Act. Where information is genuinely sensitive or falls within national security grounds, then it should not be disclosed under this policy. In establishing genuine sensitivity, In-Scope Organisations should work closely with suppliers to test areas likely to be contentious such as pricing and financial incentives.
7. In-Scope Organisations should update the published information when significant changes have occurred during the life of the contract. This might mean, for example, setting out plans for performance improvement at the start of the contract, and detailing specific plans if performance improvement is required later on in the contract life. Where financial incentives are being used to drive performance delivery, these may also be disclosed and published once milestones are reached to trigger payments. Therefore, the principles are

designed to enable the public to see a current picture of contractual performance and delivery that reflects a recent point in the contract's life.

8. In-scope organisations should also ensure that the data published is in line with Open Data Principles. This means ensuring the data is accessible (ideally via the internet) at no more than the cost of reproduction, without limitations based on user identity or intent, in a digital, machine-readable format for interoperability with other data and free of restriction on use or redistribution in its licensing conditions. Open Data Principles in full can be found at <https://www.gov.uk/service-manual/technology/open-data.html>.
9. The Crown Commercial Service will review the data published in 6 months time, with a view to establishing whether data is being published in line with this Action Note and the potential to standardise data format to maximise accessibility.

Contact

10. Enquiries about this PPN should be directed to the Crown Commercial Service Helpdesk (telephone 0345 410 2222, email info@ccs.gsi.gov.uk).