FOI AND WEEE SEP 07

Those with purchasing and budget responsibilities need to be aware of two legislative changes which will affect how we conduct our business.

FREEDOM OF INFORMATION (FOI)

The Freedom of Information (Scotland) Act 2002 impacts on many University areas and in terms of procurement the revisions mean that virtually all information relating to tenders and contracts may have to be released if required.

Information pertaining to a public supply or service, even pricing and other commercially sensitive details, and whether held in paper or electronic format (including hard-disk), may have to be divulged in the event of an enquiry or challenge, and suppliers will probably not be able to depend on “confidentiality” clauses contained in their tender or within their terms and conditions. This applies to all firms supplying to public contracting authorities.

We have a duty to warn potential suppliers of this. The following clause summarises the legislation and the University’s position. Before awarding a contract or raising an order with a “new” supplier, please ensure that the firm has been advised of our need to comply with the FOI requirements by including this clause on your purchase order or contract.

"The University of Aberdeen is under a statutory obligation to disclose information in compliance with the Freedom of Information (Scotland) Act 2002. The Supplier may identify information contained within any of their communications to the University which they consider to be secret and not for release by anyone other than the University or its representatives, and incorporate a confidentiality clause within their submissions, however, the Supplier must be aware that the University, being a public contracting authority, may not be in a position to restrict publication of this information in the event of a Freedom of Information request or challenge. When requested, the Supplier must assist the University to comply with any request for disclosure of information, and will be required to by law."

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE)

Under the terms of the Waste Electrical and Electronic Regulations 2006, it is the duty of the Supplier to take back equipment supplied after 13 August 2005 which falls within the scope of the legislation. The Regulations apply to all companies who import, manufacture or re-brand electrical equipment in the UK. From now, all orders for electrical and electronic equipment are to contain a notice requiring the supplier to:

- take the goods back at the end of their useful life;
- ensure that, when delivered, the equipment items carry a plasticised label clearly marked with the Supplier’s name and address, order number, supply date, delivery address AND the producer registration number so that you know who to contact for disposal (unless you have made alternative arrangements).

A more detailed policy and procedure document will follow. There is information available from:

- BERR website: www.berr.gov.uk/innovation/sustainability/weee
- Environmental Agency website: www.environment-agency.gov.uk/weee
- Scottish Environment Protection Agency: www.sepa.org.uk/producer/weee.htm

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