

Newark Works  
Castle Road  
Port Glasgow  
Renfrewshire, PA14 5NG  
T. +44 (0) 1475 742300  
E. [info@fergusonmarine.com](mailto:info@fergusonmarine.com)  
[www.fergusonmarine.com](http://www.fergusonmarine.com)

FMPG/2021/19

[REDACTED]

[REDACTED]

24 November, 2021

Dear [REDACTED]

**REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)**

Thank you for your request dated 27 October 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

**Your request**

You asked the following:

I would like to make a foi request relating to the ferries under construction. The information I am seeking is the total number of direct labour hours, by month, that have been added to the ferries 801 and, separately, to 802 since the new company, FM (PG) was formed.

**Response to your request**

Please find our response to your request for information:

Having carefully considered your request, we are of the view that the information you have requested is exempt from disclosure under s33(1)(b) of FOISA. We are of the view that disclosure of this information would, or would be likely to, substantially prejudice our commercial interests.

Ferguson Marine 's primary commercial activity is the provision of shipbuilding, ship repair, fabrication and engineering services. To allow the company to engage in this commercial activity, the company requires the ability to approach competitive tendering bids (the primary method of selling the company's services within the industry) from a position of commercial anonymity. The number of labour hours spent is commercially sensitive information. When such figures are combined with other publicly available information including the widely reported number of employees at the yard over the years since Ferguson Marine's administration, then knowledgeable commentators will be able to calculate our labour costs to a degree of certainty.



Registered in Scotland No. SC638457  
Registered office: Ferguson Marine (Port Glasgow) Ltd.  
Newark Works, Castle Road  
Port Glasgow, Renfrewshire, PA14 5NG  
VAT number: GB 340 6721 21

Disclosing such commercially sensitive insights into the company's costs will place competitors at an unfair commercial advantage. Private international shipyards compete for the same contracts and are not subject to such FOISA requirements. With specific and detailed knowledge of the inner workings of the company, these competitors will have the ability to bid for lucrative tenders to the extent that the company will either not be awarded these contracts or will not achieve the best market value for our services.

We are actively engaged in ongoing tender bids, disclosure would or would be likely to, substantially prejudice these current bids, for the reasons above.

This exemption is subject to the 'public interest test'. Therefore, taking into account all of the circumstances of your request for information, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. In deciding where the public interest lies, we have considered the following factors: the general public interest that information is accessible; whether disclosure would contribute to ensuring effective oversight of expenditure of public funds and that the public obtain value for money; and whether disclosure would contribute to a debate on a matter of public interest. We have found that, on balance, the public interest lies in favour of withholding the information.

**Your right to request a review**

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to:

FOI Officer  
Ferguson Marine (Port Glasgow) Ltd  
Newark Works  
Castle Road  
Port Glasgow  
PA14 5NG  
foi@fergusonmarine.com

Your review request will be forwarded to the appropriate reviewer. You should explain why you are dissatisfied with this response, and your request should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your rights is available on the Commissioner's website at: [www.itspublicknowledge.info](http://www.itspublicknowledge.info).

Yours sincerely,



 FOI Officer