

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 30th March 2021

Your ref: FOI

Our ref: FOI 2021 / 281

Reply contact name is: Nick Penny

Dear XXXXX,

I write in connection with your request for information dated 26th March 2021 concerning Body Armour and/or Contracts.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote :

I am the managing director of a British based manufacturing company specialising in body armour solutions.

As part of our company strategy we are looking to increase the company's market share in the UK Police sector.

I kindly request the following information in accordance with the freedom of information Act 2000, with regard to your forces purchases of body armour.

This information will enable XXXXX Ltd to ensure its research and development team are focused on solutions that would best serve the UK Police forces while providing our bid managers with useful information to ensure our bids for future Police tenders are competitive.

QUESTIONS

1 Who is/are your current supplier/s

2 When does the contract end



INVESTOR IN PEOPLE

- 3 How long was the contract term
- 4 When will the new procurement process start
- 5 What is the current level of protection
- 6 What is the current unit price per vest
- 7 What was the total value of the contract award
- 8 How many units of body armour have been purchased during the contract term

Our Response

The information you are requesting is exempt under Section 43 of the Freedom of Information Act – Commercial Interests.

Section 43 states that information is exempt information:

If it constitutes a trade secret OR

If it's disclosure would or would likely to prejudice commercial interests of any person (including the public authority holding it).

This exemption is a qualified and class based exemption. A class based exemption means the legislators, when writing this piece of legislation, considered that the release of this type of information would cause harm to either the authority or individuals involved. Accordingly therefore the authority (i.e. Wiltshire Police) does not need to communicate the harm in disclosure.

In view of the fact that Section 43 (Commercial Interests) is a qualified exemption, I am required to apply a public interest test.

Factors Favouring Disclosure – Section 43

Disclosing this information would ensure that Wiltshire Police is open and transparent. The disclosure of such information would encourage public debate and awareness.

Factors Against Disclosure – Section 43

Disclosing this specific information is likely to damage the relationship between Wiltshire Police and the current service provider(s) and prejudice their commercial interests. This is because the release of information could identify the current contract length and renewal information that pertain to the current contracts, the specific pricing of Body Protection Equipment, the degrees by which the success (or otherwise) of those contracts are measured and also help to identify the key commercial decisions which are undertaken when reviewing, renegotiating or seeking to re-tender with potential new suppliers.

Either of these reasons could justifiably prejudice Wiltshire Police's position in respect of future negotiations as well as releasing commercially sensitive information regarding their current service provider and providing an unfair advantage to other potential new suppliers seeking to bid for future contracts or business.

Balance Test

Though there is an identifiable public interest in Wiltshire Police being open and transparent, the force's interests might be jeopardised by release of information that relates to sensitive commercial information held about business, financial or contractual issues, preventing the force from obtaining the best deal available. There would also be an impact on the community, as costs to the force could be driven up by a lack of competition due to companies refusing to do business with forces that release commercially sensitive information.

In addition, the release of any commercially sensitive information may cause to harm the relationship between Wiltshire Police and its current - and future - service providers.

In relation to contracts and the spending of public funds, Wiltshire Police is subjected to a number of independent checks by both internal and external audit teams.

Decision

Having weighed up both parts of the public interest test, I have decided on balance it is in the public interest to withhold the requested information. The argument is not made out how the release of this information would provide a tangible community benefit (i.e. protect life and property and/or assist in the prevention and detection of crime and/or the apprehension and prosecution of offenders). The release of the requested information has the potential to harm the relationship between Wiltshire Police and its external provider(s) and prejudice the force's financial interest.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 43: Exemption where cost of compliance exceeds appropriate limit

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk