

**Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 5th May 2023

Our ref **FOI 2023/388**

Dear ****,

I write in connection with your request for information dated 3rd April 2023 concerning Purchases of body armour.

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.

Following receipt of your request, research was conducted. Your request for information has now been considered and I am able to respond as follows.

You wrote/ Our Response:

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 regarding your forces purchases of body armour.

Can you please answer the questions below for Ordinary Policing Body armour requirements, Tactical/Armed Policing requirements and lastly Covert/concealable policing requirements.

QUESTIONS

Who are your current armour manufacturers? **Cooneen & Safariland.**

Who is your current armour supply contract with (if different to the actual manufacturer, i.e., DHL-NUMS)? **As above.**

When does your current contract end? **31.12.2021 & 31.12.2023**

How long is the term of the contract? **2 & 4 years**

When will the new procurement process start? **Started.**

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What is your current level of protection? **The information you are requesting is exempt is exempt by virtue of Section 24(1) National Security, Section 31(1) Law Enforcement, Section and 38(1) Health and Safety.**

Sections 24, 31 and 38 are qualified exemptions which require an examination of the public interest considerations in favour and against disclosure, which will be carried out below.

Public Interest Test

Factors Favouring Disclosure – Section 24

Disclosure of the level of protection used in body armour would lead to a better-informed public and the public are entitled to know how public funds are spent.

Factors Against Disclosure – Section 24

To disclose any information of this nature would allow inferences to be made about the nature and extent of national security related activities which may or may not take place. This could enable terrorist groups to take steps to avoid detection, and as such, disclosure would be damaging to national security. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure in the UK and increase the risk of harm to the public.

Factors Favouring Disclosure – Section 31

Disclosing this information would allow for greater transparency around the work conducted by Wiltshire Police.

Factors Against Disclosure – Section 31

Disclosure of the requested information has the potential to put individuals at risk and it could cause more crime to be committed. Revealing the current level of protection would mean that law enforcement tactics would become compromised which would hinder the prevention and detection of crime.

Factors Favouring Disclosure – Section 38

Disclosure of this information would lead to better awareness for the community, enabling informed public debate to be undertaken around Officer safety and protection and bring more awareness into how the force have dealt with these matters.

Factors Against Disclosure – Section 38

Disclosure of this information would jeopardise the safety of an individual and the public would lose confidence in Wiltshire Police's forces ability to protect the wellbeing of the community and its staff. If an individual were to come to harm from the information of this nature being made public, it could cause them serious physical harm and have a detrimental effect on their mental health.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the Police Service will not divulge any information if to do so would place the safety of an individual at risk or undermine National Security. Irrespective of whether we disclose the requested information, public safety and the ability to deliver investigations is of paramount importance. Disclosing this information would undoubtedly compromise an investigation, national security and place the health and safety of an individual at risk. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure is not made out.

What is the current unit price per Set of Armour? **The information you are requesting is exempt under Section 43 of the Freedom of Information Act – Commercial Interests.**

Please see question below for public interest test.

What is the current unit price for an armour carrier? **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.

Section 43 (Commercial Interests) is a qualified exemption, and 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 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.

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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 it's current - and future - service providers.

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.

What was the total value of the contract award? **£0.25m**

How many units of body armour have been purchased during the contract term? **Wiltshire police has ordered a total of 602 armours this covers both male/female and the AFO armours.**

Can I have a Contact name and contact details please for a person responsible for procurement matters? **David Wilson – Cat Manager Ops & Logistics SWPPS**

David.wilson@devonandcornwall.pnn.police.uk

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 24: National Security

Section 31: Law Enforcement

Section 38: Health and Safety

Section 43: Commercial Interests

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.

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

Yours sincerely

Force 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

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

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Email at disclosure@wiltshire.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

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>