| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0882Responded to: 21 April 2023 |
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Your recent request for information is replicated below, together with our response.

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

## Who are your current armour manufacturers?

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

In response to both questions above I can advise that currently body armour is provided to Police Scotland by Safariland UK ltd.

## When does your current contract end?

The General Duty & Armed Policing armour contract is scheduled to end on 31 July 2023 and the Covert Ballistic armour contract is scheduled to end on 02 September 2025.

## How long is the term of the contract?

The General Duty & Armed Policing armour contract is 4 years and the Covert Ballistic armour contract is 4 years.

## When will the new procurement process start?

In relation to the General Duty & Armed armour, the procurement strategy stage is underway, it is anticipated that the tender process will begin around June 2023.

In relation to the Covert Ballistic armour contract there is no date set yet for the future procurement process to begin.

## What is your current level of protection?

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

The exemptions that I believe are relevant in this instance are Section 31 National Security and Defence, Section 35 1(a) Law Enforcement and Section 39 Health, Safety and the Environment.

# S31 National Security and Defence

Disclosure of this information could undermine any ongoing or future operations to protect the security or infrastructure of the United Kingdom and increase the risk of harm to the public.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

Section 35 1(a) and (b) Law Enforcement.

The requested information, if disclosed, could be used to calculate the level of armour protection provided to officers. Those with criminal intent would then be in a position to accurately pinpoint any weaknesses in the armour, or be able to calculate the strength of the armour and plan methods to invalidate its use.

Disclosure would have a negative effect on national security should the release of information be used and manipulated by criminal fraternities to try and attack politicians, public figures and other protected establishments and individuals, protected by armed Police Scotland officers.

Section 39 Health, safety and the environment

The disclosure of the information requested may have the potential to increase the number of attacks on public figures, operational police officers and members of the public and the potential to present a risk to an individual’s personal safety.

Public Interest Test

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

It is important to note that the UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, whether protected or not, and will not reveal any information that might jeopardise this goal. To provide details of body armour capabilities and by association the capabilities of resources allocated to protecting the public is likely to place individuals at serious and increased risk.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

## What is the current unit price per Set of Armour?

## What is the current unit price for an armour carrier?

## How many units of body armour have been purchased during the contract term?

In response to the three questions above, I must respond in terms of Section 16 of the Freedom of Information (Scotland) Act 2002 however, I am refusing to provide you with this information. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) States that it holds the information,

(b) States that it is claiming an exemption,

(c) Specifies the exemption in question and

(d) States, if that would not be otherwise apparent, why the exemption applies.

The exemption that I believe is relevant in this instance is Section 33 (1)(b) Commercial Interests.

Section 33 (1)(b) - Commercial Interests

The information requested is a specific part of the contract details with Police Scotland and the service provider. As you may be aware the tendering process is open to competition and if utilised, companies are invited to submit their tender bid with details of the costs and processes they would use for the successful completion of the contract. As a result any company who submits a tender bid is required to give detailed information regarding the capabilities and financial ability of the company to complete a contract. Public disclosure of such information is likely to give competitive advantage to other similar companies and as a result would have a damaging impact on the company concerned.

Any relevant information supplied by a successful tender company is provided in the expectation that whilst remaining relevant, details within their tender bid, which is commercially sensitive, will be held by Police Scotland and not disclosed to another organisation which may gain a competitive advantage in receiving this information. However, if the information was disclosed this may, in the future, reduce the number of companies tendering for the supply of goods and services, they being aware that the Police will disclose commercially sensitive information. This is likely to negatively impact on the tendering process used by the service to ensure it purchases the most efficient and cost effective services in the future, and prejudice the commercial interests of Police.

This is a non-absolute exemption which requires the application of the Public Interest Test.

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Public Interest Test

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service.

Publically disclosing intimate details of contracts would allow greater scrutiny of the way public funds are spent. It would also increase accountability and transparency in terms of this spending, additionally it is in the public interest for Police Scotland to procure services competitively, to ensure best value for money.

However, to disclose the information would be would be commercially unfair to our current suppliers. This could result in damaging Police Scotland’s relationship with the suppliers. The purpose of the tender process is to ensure that all options are presented to Police Scotland and from there the best option in terms of service and cost is selected.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. Police Scotland is a publicly funded organisation and therefore the Service has an obligation to obtain best value for money with particular services. In order to do this, it is essential to maintain working relationships with these companies that tender their services.

As such, Police Scotland will not disclose any information that would impact on the ability to do both. The public interest would not be served if it were no longer possible to engage companies in a tender offer if they believed that conducting business with Police Scotland would result in their confidential financial information being released.

## What was the total value of the contract award?

The General Duty and Armed Policing armour contract award is valued at £5,092,600 excluding VAT. The Covert Ballistic armour contract award is valued at £49,999.99 excluding VAT.

## Can I have a Contact name and contact details please for a person responsible for procurement matters?

Procurement queries can be submitted to the email address below and will be directed to the appropriate person(s).

ProcurementTenders@scotland.police.uk

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.