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Our Ref: IM-FOI-2022-1468
Date: 10th August 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I wish to submit a request to the organisation around their hosting contract(s) with 3rd party providers.

The type of contract I wish to see is below:

- 1. Dedicated hosting- Managed environment**
- 2. Co-Location- hosting allows a business to still own their own server equipment; however, instead of storing it in their own data centre, they instead are able to store it in rented space in a colocation hosting centre.**
- 3. Cloud Hosting- Cloud hosting services provide hosting for websites on virtual servers, which pull their computing resources from extensive underlying networks of physical web servers.**

Not all of these will be applicable to the organisation.

For the different types of hosting services, can you provide me with the following information:

- 1. Type of hosting – Dedicated, Co-Location, Cloud Hosting, Other?**
- 2. Who is the supplier of the contract? If possible can you also provide me with the name of the vendor, if applicable?**

In response to questions 1 and 2, having considered these questions, I must respond in terms of Section 16 of the above Act, when refusing to provide such information because the information 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 applies in this case is

Section 35(1)(a) – Law Enforcement

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Information is exempt information if its disclosure under this Act, would or would be likely to prejudice substantially the prevention or detection of crime.

It is not exceptional for individuals to enquire as to the information technology in use in Police Scotland. Nonetheless, there is concern that the release of such data could provide attack opportunities.

The requested information could be used by a hostile party to plan and execute an attack on the Service's systems. Such attacks could take the form of data theft, denial of service or other deliberate disruptions. This could not help but have the effect of reducing the ability of the police to undertake relevant activities.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

The public interest factors favouring disclosure of the information surround the Service's accountability for public funds in terms of the cost to the public purse.

Those favouring retention of the information surround the adverse effect on the efficiency of the Service. Disclosure would provide those intent on disrupting police activities with enough information to plan and execute a targeted attack. Where systems are compromised, there is also the potential for sensitive information such as personal data, security information and other data to be made public, therefore, in this instance the factors favouring retention of the data outweigh those of disclosure.

3. What is the annual contract value for each contract?

Contract 1 – £333,700.00

Contract 2 – £49,193.04

Contract 3 – £1,794.24

Contract 4 – £1,602.66

Contract 5 – £4,785.48

4. What type of cloud environment?

Private Cloud- a distinct and secure cloud based environment in which only the specified client can operate.

Public Cloud - where cloud services are provided in a virtualized environment, constructed using pooled shared physical resources, and accessible over a public network such as the internet.

Hybrid- integrated cloud service utilising both private and public clouds to perform distinct functions within the same organisation.

Please see my answer to question 1 and 2.

5. What is the original start date of the contract agreement? If there are more than one contract please provide me with the start date for each contract.

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Contract 1 – 01/04/2019
Contract 2 – 07/08/2020
Contract 3 – 21/09/2021
Contract 4 – 03/03/2019
Contract 5 – 03/03/2022

6. What is the actual expiry date of the contract agreement? If there are more than one contract please provide me with the expiry date for each contract.

Contract 1 – 30/03/2023 (If extension period accepted - expiry is 31/3/2024)
Contract 2 – 07/08/2022
Contract 3 – 06/08/2023
Contract 4 – 02/03/2022
Contract 5 – 02/05/2025

7. When will the organisation plan to review this contract? If there are more than one contract please provide me with the review date for each contract.

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.

I can confirm that Police Scotland holds the information requested. The exemption that I consider to be applicable is:

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.

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

Public Interest Test

Public Interest arguments in support of disclosure

- Would allow greater scrutiny of the way public funds are spent;
- Would increase accountability and transparency in terms of this spending;
- It is in the public interest for Police Scotland to procure services competitively, to ensure best value for money.

Public Interest arguments in support of withholding the information

- Would be commercially unfair to our current suppliers;
- Could damage 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.

Public Interest Balancing Test.

Police Scotland is a publicly funded organisation and therefore the Service has an obligation to obtain best value for money with particular services. Further, 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.

8. What is the contract period in years? Please include whether the agreement has any extension periods?

Contract 1 – 4 years with a one 1 year possible extension

Contract 2 – 1 Year with option of 2 further 1 year extensions

Contract 3 – Initial period of 11 months then extended for a further 12 months.

Contract 4 – 3 Years

Contract 5 – 3 Years

9. What services are provided under the contract? Please do not put hosting information such as web hosting, file storage, hosted application. The more information the better,

Please see my answer to question 1 and 2.

10. Can you please provide me with the contract officer responsible for this contract? Complete contact details if possible name, title, contact email and number.

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Non-emergency contact can be made to Police Scotland by telephoning 101 or using the Contact Us form on the Police Scotland website: <http://www.scotland.police.uk/contact-us/>

Please request to contact the Chief Technical Officer.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.