

Our Ref: IM-FOI-2022-1047  
Date: 9 June 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.

Some of the information requested is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

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

***I would like to submit a request for some information from the organisation, in relation to their contract's register.***

### **IMPORTANT**

- 1. If the organisation has a CRM system or a similar system, there should be a facility to download and extract contract data.***
- 2. You may forward me a Weblink to a portal to download the contract register, please make sure all the organisation's contracts are provided as doing prior research I have found that most organisations have only uploaded a small portion of all their contracts.***
- 3. For those organisations planning to make an exemption around spend, the spend information I have requested is an overall figure and I am not requesting a complete breakdown of services relating to the spend.***

***The FULL contract register should display all the organisations existing/live contracts I would like the register to display the following columns/headings:***

- 1. Contract Reference -Unique reference number associated with the contract.***
- 2. Contract Title***
- 3. Procurement Category –Please state the category name of the contract, I wish to know the category the contract is under.***
- 4. Supplier Name***
- 5. Spend (Total, Annual or contract value)***
- 6. Contract's Duration***
- 7. Contract's Extensions***
- 8. Contract's Start Date***
- 9. Contract's Expiry Date***

- 10. Contract Description [Please provide me with as much detail as possible.]**
- 11. Contact Owner (Person that manages the contract register)**
- 12. CPV codes/Pro-Class**

Information relating to regulated contracts (>£50,000 for goods/service contracts and >£2m for works contracts) are publicly accessible.

Accordingly, I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

To confirm, the information you are seeking is available on the contract register on Public Contracts Scotland – searching for Scottish Police Authority will provide all the contract information being requested for any regulated contracts

In relation to unregulated contracts which Police Scotland do not publish on PCS (as they do not meet the requirements for publication), I have attached separately a document, 22-1047-Data 1, which provides relevant information.

You will note that some information has not been provided and is considered exempt. The following exemptions are applicable:

### **Section 30(c) Effective conduct of public affairs**

Specifically, this exemption relates to email addresses of the Service and other agencies that are not in the public domain. These have been redacted in terms of Section 30(c) in order to protect the effective internal and external communications within the Service.

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

### **Public Interest Test**

The above exemption is non absolute and requires the application of the Public Interest Test. Some internal email addresses are not for public use and have not been disclosed as these are for operational purposes only. This information has been removed in order to ensure that internal processes are protected and abuse of the telephone numbers or email addresses does not occur. Disclosure of this information would be likely to adversely affect internal processes of the Service or other agencies.

### **Section 33(1) (b) – Commercial Interests**

Any relevant information supplied by a company is provided in the expectation that whilst remaining relevant, 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.

### **Public Interest 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.

### **Section 35 (1) (a) – Law Enforcement**

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

Public safety is of paramount importance and disclosure of this information would allow criminals and terrorists the ability to assess the capability of Police Scotland. Law enforcement techniques would be exposed which would enable criminals to build a picture of where resources may or may not be deployed and as such would allow them to carry out their criminal or terrorist activities. To disclose this information into the public domain would undermine the tactical options available and compromise the effective delivery of operational law enforcement.

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

### **Public Interest Test**

It could be argued that the public are entitled to know how public funds are spent and resources distributed. That said, security measures are put in place to protect the community we serve and disclosure of this information would assist criminals and terrorists in carrying out their criminal and terrorist activities. This would ultimately increase the risk of harm to the general public and significantly undermine any ongoing or future operations.

The public have an expectation that the police will make the 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. Disclosure of this information would give such criminals and terrorists a more detailed account of the tactical infrastructure, accordingly in this instance the balance favours retention of this information.

### **Contract Data/API Contact Details**

**1. Can you also provide me with contact details of the person responsible for the actual contract's register or someone responsible for API? [Name, Job Title, Telephone, Email Address] At the very least provide me with their actual job title. (Meaning of API "a set of functions and procedures that allow the creation of applications which access the features or data of an operating system, application, or other service.")**

**OFFICIAL**  
**OFFICIAL**

I can advise you that Police Scotland does not hold the information requested. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, as Police Scotland utilise the Scottish Government PCS service to publish notices and they host our live regulated contract register, they can provide all technical support and should be contacted if any information is required on APIs:

[Information & Support - Public Contracts Scotland](#)

Police Scotland do not have a publicly accessible API for its internal contract register for unregulated contracts.

Should you require any further assistance please contact Information Management - Glasgow at – [foiglasgow@scotland.police.uk](mailto:foiglasgow@scotland.police.uk) – 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](mailto: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](mailto: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.