| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0186  Responded to: 26 January 2024 |
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Your recent request for information is replicated below, together with our response.

## I wish to request full disclosure of the winning tender details for the provision of an Employee Assistance Programme which has recently been awarded to r HCI SME Ltd trading as Vivup. This was coordinated by

## Police Scotland Procurement.

## The Procurement process was identified as:

## PROC-23-2155

## Contract Title: Employee Assistance Programme

In response, I can provide that Tender Process above £50,000 are legally required to follow the Public Contracts (Scotland) Regulations 2015. Further details regarding public contracts can be found at: [Home - Public Contracts Scotland](https://www.publiccontractsscotland.gov.uk/Default.aspx)

Section 16 of the Freedom of Information (Scotland) Act 2002 (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.

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

Such information will not be disclosed whilst remaining relevant, as it is considered to be commercially sensitive. Disclosure of this information would give a competitive advantage to companies in any future tender process.

Disclosure could reduce the number of companies tendering for the supply of goods and services, they being aware that Police Scotland 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 Scotland.

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 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**.**

To be of assistance, if your organisation placed a tender for this contract, you may wish to contact the procurement lead to discuss specific details of your own bid in more detail.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@itspublicknowledge.info) 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.