



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-01845  
**Keyword:** Organisational Information/Governance  
**Subject:** VEHICLES AND LIVERY

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose records in answer to Question 1 and 2 in full.

#### Question 1

How many vehicles does your fleet have?

#### Answer

There were 2817 vehicles commissioned as at 8th June 2009

#### Question 2

Is the livery supply and application contracted out?

#### Answer

Only livery supply is contracted out and the contract will be advertised in local Northern Ireland daily papers and the European Journal (OJEU) in due course.

#### Question 3

When is the contract up for renewal?

#### Answer

- fully exempt records in answer to Question 3 pursuant to the provisions of Section 22 and 43(2) of the Freedom of Information Act 2000.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

It has been decided to refuse access to the information you have requested. The exemptions, as well as the factors the PSNI considered in any potential harm in release and in deciding where the public interest lies with regard to the release of this information are listed below.

Section 22 (1) Information Intended for Future Publication. The Police Service of Northern Ireland is not obliged to disclose information that is held with a view to its publication at some future date. This is a qualified exemption, which means that the public authority must consider the balance of the public interest in releasing the information against the public interest in withholding it.

Section 43(2) Commercial Interests. Section 43(2) exempts information, disclosure of which would be likely to prejudice the commercial interests of any person. Section 43(2) is a prejudice-based exemption, which means the authority must consider any possible harm to any persons commercial interests if the information was to be released. This is also a qualified exemption, which means that the public authority must consider the balance of the public interest in releasing the information against the public interest in withholding it.

### **Harm Test**

Accountability of the Police Service, and the correct use of public funds are always of great importance and both are integral to the decision making process in this case. However the over-riding factor here must be the Service's ability to hold all future procurement competitions, in the knowledge that all interested Companies can compete on a "level playing field" and in an unfettered manner. The disclosure of the contract renewal date requested may have a particular potential to damage commercial interests as it could affect the preparation of any competitive bids by giving parties a 'head start' with regard to these bids.

### **Public Interest Test**

#### **Factors Favouring Disclosure**

##### **Public awareness and debate**

The information you have requested could empower individuals to make more effective decisions about their own activities, in this case the preparation of a potential tender submission. This could aid individuals in their rivalry for securing the PSNI livery supply contract.

##### **Use of Public Funds/Resources**

If released, the information could generate more competitive prices for the contract, therefore preserving more public funds.

#### **Factors Favouring Non Disclosure**

##### **Efficient and effective conduct of the Service**

The PSNI must have the freedom to be able to determine their own publication timetables to allow for the necessary preparation, administration and context of publication. The new contract is intended to be advertised in local media and the European Journal. It is important for the integrity of the PSNI that they advertise for the new contract in a manner, which is conveniently and fairly planned. If the date of expiry for the current contract is released prior to being advertised there is the potential for legal action against the PSNI.

##### **Human Rights, Morals and Ethics**

If released the date expiry date for the current contract would be published and therefore accessible to everyone. However, not everyone would be aware of this publication at the same time, providing an unfair advantage to the individual who requested it, who would receive the information personally. It is Procurement unit's policy to advertise contracts in the media so all suppliers have an equal opportunity to respond and prepare submissions.

##### **Interests of third parties**

Third party interests may be jeopardised by release of information that relates to commercial information held about contractual issues. There is the potential for an unfair advantage to a single party in providing advance notice of a competition and allowing extra time for preparation of tender. Other suppliers will be left disadvantaged.

### **Balancing Test**

I have decided to withhold the information. There is a firm intention that the advertisement for a new livery supply contract will be published in local newspapers and the European Journal at some future date.

While there are important considerations for release I have decided that there would be the prospect of damaging the PSNI's business reputation or the confidence that customers, suppliers or investors may have in the PSNI if possible bidders were given an advantage by knowing a contract renewal date in advance of others. The public interest in immediate disclosure of the expiry date of the current contract outweighs the public interest in delaying until general publication.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk)

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.