



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02574

**Keyword:** Organisational Information/Governance

**Subject:** Crowd Control Contract

### 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 information in response to questions 1 & 4 in full;
- fully exempt information in response to question 2 & 3 pursuant to the provisions of Section 38 (1)(a)(b) of the Act.

### Question 1

In relation to the contract for the Managed Service of crowd control police barriers and traffic cylindrical no waiting cones for PSNI, please can you provide the following information by return:

Confirmation of the date this contract was last tendered and the term of the contract as awarded.

### Answer

The contract was awarded on 17.08.2009 for 1 year plus 4 possible extensions up until 16.08.2014.

### Question 4

The names of all sub-contractors used by the current contractor(s) and details of the % of works sub-contracted to each sub-contractor as applicable.

### Answer

Searches were conducted however these searches failed to locate any records or documents relevant to your request based on the information you have provided. Procurement and Logistic Services has confirmed that no details of sub-contractors are contained in the tender documents. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

### Question 2

The name(s) of the contractor(s) the contract was awarded to.

### **Question 3**

The name(s) of the current contractor(s) (if different).

#### **Answer**

Section 17(1) 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.

The exemption, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 38(1)(a) and (b) – Health and Safety

Section 38 is a prejudice based and qualified exemption. This means that the PSNI must consider the potential harm in release of the requested information and carry out a public interest test.

#### **Harm Test**

Releasing the names of contractors to the PSNI would likely highlight their association with PSNI to terrorists. Disclosing the name of a contractor would likely put the business and employees at risk of attack by those seeking to deprive PSNI of essential services or supplies as part of their campaign. Terrorism in Northern Ireland remains a severe threat and particularly to the Police Service.

#### **Public Interest Test**

##### Factors Favouring Release

Releasing the information would promote openness and transparency. There is always a strong public interest in information that relates to the use of public funds and the procurement of services and suppliers.

##### Factors Favouring Retention

Terrorist activity is a real and current threat and the PSNI has a duty of care to protect anyone working for the Service. The PSNI will not disclose any information which may increase the risk of harm to any individual providing a service to the PSNI. To highlight these companies could endanger their employees and that of their families.

##### Decision

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, the balance will always favour retention where there is a significant risk to the safety of individuals. At this time, the Service is under severe dissident threat and to release the names of companies providing a service to the PSNI could assist terrorists in targeting these individuals. In this case, therefore the decision must favour not releasing the name of the company awarded the contract. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives or property at risk.

**A release under Freedom of Information is a release to the world in general and not just to the applicant.**

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 letter.

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.psnipolice.uk](http://www.psnipolice.uk)

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