



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-03060

Keyword: Organisational Information/Governance

Subject: Mobile Phone Contracts

Request and Answer:

Question 1

Existing Supplier(s) - If there is more than one supplier please split the contract up.

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 to 7 in full; and
- fully exempt information in response to question 8 pursuant to the provisions of Sections 38 and 40 of the Act.

I have been advised that the suppliers are Vodafone (main supplier) – O2 & Orange.

Question 2

Total contract value - If there isn't a total contract value please can you provide me with the latest annual spend on mobile phone.

Answer

GPS Framework – Annual spend:

March 2011 – March 2012 Vodafone - £1,009,581

March 2011 – March 2012 O2 - £133,030

March 2011 – March 2012 Orange - £528

Question 3

Number of Users - Number of connections with network provider.

Answer

Vodafone – 8223 (March 2012)

O2 – 35 (March 2012)

Orange – 2 (March 2012)

Question 4

Duration of the contract - please state if the contract also include contract extensions.

Answer

01/01/09 – 30/06/12 (extended by Government Procurement Service (GPS) to 30/06/2012 – migration to PSNI after that).

Question 5

Contract Start Date - please provide me with the month and year and day if possible.

Answer

Contract commenced on 01/01/09.

Question 6

Contract Expiry Date - please provide me with the month and year and day if possible.

Answer

Contract expires on 30/06/2012.

Question 7

Contract Review Date - please provide me with the month and year and day if possible.

Answer

The Framework is GPS Managed and reviewed – local service delivery reviews by PSNI.

Please note that in response to questions 5, 6 and 7 PSNI are current in a transition between the former Government Procurement Service (GPS) Mobile Solutions II Framework and the new national Public Services Network (PSN). Under what is known as Lot-6. PSNI will migrate all mobiles (voice and data) to this arrangement within the next month.

Question 8

The person within the organisation responsible for this particular contract. Can you send me the full contact details Contact Name, Job Title, Contact Number and direct email address.

Answer

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.

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

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

Section 40 (2) (a) (b) by virtue of Section 40 (3) (a) (i)- Personal Information

Section 38 is a prejudice based qualified exemption and this means that the public authority is required to provide harm that could occur following disclosure of the requested information and must consider the balance of the public interest in releasing the information against the public interest in withholding it.

The summary of the Harm and Public Interest considerations for Section 38 is provided below:

Harm Test

Section 38

Disclosure of the names of persons in various roles within PSNI could put these individuals at risk and impact on their safety. The disclosure of this level of information would likely be valuable intelligence for terrorist groups thereby exposing both officers and the community at large to risk of attack. The Service is currently under severe threat from terrorists and releasing names of personnel could assist these terrorists in targeting individuals.

Public Interest Test

Factors favouring release – Section 38

The considerations favouring release in this case are generic and arise from the purpose and rationale for Freedom of Information legislation. Release of this information could provide an insight into how the PSNI maintains its contracts and could inform how public money is spent.

Factors favouring retention – Section 38

Release of this information would be likely to place at risk the lives of officers/staff and the public. This is because the detailed information in question would be useful to terrorists planning to carry out attacks on police/staff, which have in the past been known to be indiscriminate in nature, therefore endangering unsuspecting bystanders in addition to the intended target.

Decision

I have determined that the release of the name and contact details of the name of staff member who holds the post of 'network manager' into the public domain would not be in the public interest. The Service is currently under severe threat from terrorists and disclosure of this level of information has the potential to assist those criminal elements seeking to carry out attacks against police officers/staff. The Police Service will not disclose information that will put officers'/staff lives at risk as the safety of individuals is of paramount importance.

Section 40 Personal Information is an absolute exemption which means there is no requirement on the Public Authority to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law (The Data Protection Act 1998).

To answer your request would require the release of personal details about individuals other than the applicant. The names of police officers/staff could be used in conjunction with other information which may already be in the public domain or which may become available in the future to compromise their security. The PSNI have a duty of care to ensure the safety of police officers/staff.

A release under the Freedom of Information Act is considered to be a release to the public at large. This would be a breach of the Data Protection Act and is catered for within Freedom of Information by the exemptions under Section 40(2) as outlined below.

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain and not just to an individual.

Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be released if disclosure would not breach any of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly.

Members of staff are entitled to protection under the Data Protection Act 1998. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all individuals. Therefore, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In order to assist you it has been decided to release the job title contact details:

"Network Manager"
Data & Telephony Networks
Information and Communications Services,
Police Service of Northern Ireland,
42 Montgomery Road,
Lisnasharragh, Belfast, BT6 9LD."

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.

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

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