



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00231

Keyword: Organisational Information/Governance

Subject: Asbestos And Legionella Service Providers For PSNI Buildings

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates and this is being provided to you. We further consider the information you seek in relation to the details of the companies providing a service to the PSNI is exempt by virtue of section 38 of Freedom of Information Act 2000 and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request

Can you please furnish me with details of the current providers of services in relation to building and mechanical (plumbing) maintenance focusing specifically on Asbestos and Legionella services for all Police Service of Northern Ireland building stock within the region. If contracts are in place for same can you please provide details of start and end contract date, contract amounts and approximate next tender release.

Answer

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken to disclose the following.

Please see table below:

Contract	Start Date	End Date	Estimated Value	New Tender Date
Building Fabric MTC – Lot 1	04/04/16	03/04/19 with the possibility to extend to 03/04/21	£10,000,000	T.B.C
Building Fabric MTC – Lot 2	04/04/16	03/04/19 with the possibility to extend to 03/04/21	£10,000,000	T.B.C
Mechanical & Electrical	01/07/15	30/06/18 with the possibility to	£10,000,000	T.B.C

Maintenance – Lot 1		extend to 30/06/20		
Mechanical & Electrical Maintenance – Lot 1	01/07/15	30/06/18 with the possibility to extend to 30/06/20	£10,000,000	T.B.C
Water Treatment	01/12/15	30/11/18 with the possibility to extend to 30/11/20	£260,000	T.B.C
Asbestos Surveying	04/04/12	04/04/19	£110,000	T.B.C

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/s, 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 who carry out work for PSNI would 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 provide the names of 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 companies

awarded the contracts. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives or property at risk.

The release of information under Freedom of Information (FOI) is a release into the public domain and not just to the individual requesting the information. Once information is disclosed under FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

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.psnipolice.uk

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