

Keeping People Safe



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-00244

**Keyword:** Organisational Information/Governance

**Subject:** New PSNI Uniforms

### 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 some information to which your request relates and this is being provided to you. We further consider the information you seek in request number 1 is exempt by virtue of section 43 of FOIA 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 1

Could you provide me with the cost of the new PSNI uniforms which were launched this week?

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

**Section 43(2) – Commercial Interests** – Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it).

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

Section 43 is a qualified class based exemption and a public interest test is required.

### Public Interest Test

#### Factors Favouring Release

Releasing this information would facilitate the accountability and transparency of public authorities in

the spending of public money. There is a keen public interest in how public authorities spend taxpayers' money and that value for money is achieved. Disclosure would better inform the public of the costs involved.

### Factors Favouring Retention

Releasing cost details could disadvantage a company and weaken their ability to tender for future contracts in a competitive market, impacting on future business revenue. The PSNI's commercial interests could also be prejudiced if costs were disclosed which would damage the business reputation of the Service. The FOIA does not define commercial interests and the ICO Guidance on the application of s43 suggests that "... a commercial interest relates to a person's ability to participate competitively in a commercial activity i.e. the purchase and sale of goods or services."

Disclosure could discourage companies from submitting commercially sensitive information and consequently undermine the ability of the PSNI to procure best value for public funds and to conduct a fair tender competition in the future. To disclose such commercially sensitive information could diminish confidence in the integrity of the public tendering process thus discouraging companies from competing in public sector tenders. A consequence of this would be to reduce the ability of public authorities to obtain value for money in procurement. Obtaining value for money is in the overriding public interest when considering whether to disclose the further information sought

### **Decision**

Release of this information would be likely to harm the process of future tenders and prejudice the commercial interests of the PSNI and the company concerned. A release under Freedom of Information is considered a release into the public domain and would therefore be a release in effect to other competitors. Disclosing a breakdown of unit price in this matter would provide an advantage to rival businesses and undermine the main contractor's trading ability to tender for future contracts. If tenderers are discouraged this may adversely affect the quality of tenders for public contracts and this would not be in the public interest.

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, I have decided that disclosing a breakdown of costs would not be in the public interest.

### **Request 2**

Can you provide an itemised breakdown also detailing quantity?

### **Answer**

The PSNI are unable to supply a full itemised breakdown as per above answer, however we can supply the following:

A total of 47,428 Tops and 19,790 Trousers were ordered.

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 Corporate Information Branch, 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 Corporate Information Branch, 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 remain dissatisfied with the handling of your request, you may make a complaint to the Information

Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at [www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/](http://www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/)

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 their 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.