



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-01207

Keyword: Organisational Information/Governance

Subject: G4S Contract Request

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland (PSNI) does hold the information to which your request relates and this is being provided to you. We consider that the information you seek in your request is partially exempt by virtue of Section 31 and 43 of FOIA and have detailed our rationale as to why these exemptions apply. 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. You have requested the following information:

Request

Hi could I please have a copy of the g4s contract under the freedom of information act?

Answer

Please see redacted copy of G4S contract attached separately to this correspondence, pursuant to Section 31 and 43 of FOIA.

For information, minimal changes to the contract occurred by way of Variation Orders in 2021; however these modifications are exempt for the reasons outlined below.

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

Section 31(1)(a)(b) - Law Enforcement – Information would be likely to prejudice (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders.

Section 43 (2) – Commercial Interests – Information 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 and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 31 is a prejudice based qualified exemption which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

Section 43 is a class based, qualified exemption, which means the legislators have agreed there would be harm if this information was released and a Public Interest test must be carried out.

Exemptions Explained

Harm

Disclosure of information relating to the security of the police estate or those who work within it could pose a security risk, if released into the public domain. Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information. PSNI will not release information to the public which could place its staff or infrastructure at risk, or could be of use to those intent on causing harm. Additionally, disclosure of contractual information could disadvantage a company and weaken their ability to tender for future contracts in a competitive market, impacting on future business revenue.

Public Interest Test

Factors Favouring Release - S31(1)

Release of the requested information could inform how public money is spent in the provision of security and operational support services.

Factors Favouring Retention - S31(1)

Disclosure of security and operational services in relation to how we protect our sites, officers and staff would make PSNI vulnerable to crime and would not be in the public interest. This may allow terrorists and criminals the opportunity to assess strengths and any possible weaknesses of these capabilities. This would compromise law enforcement which could lead to more crime being committed and individuals being placed at risk. It may also be used by criminals/terrorists in combination with other information they have gathered to try and disrupt law enforcement.

Factors Favouring Release - S43(2)

Release of 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.

Factors Favouring Retention - S43(2)

Disclosure of full contract details could disadvantage a company and weaken their ability to tender for future contracts in a competitive market, impacting on future business revenue. To disclose 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.

Decision

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information, disclosure would be likely to harm the process of future tenders and prejudice the commercial interests of PSNI and the company concerned. A release under Freedom of Information is considered a release into the public domain and therefore a release to potential competitors. In addition, the impact on PSNI's law enforcement capability and the safety of officers and staff outweighs the public interest to disclose the information.

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.

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.