



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-02102

**Keyword:** Organisational Information Procurement, Contracts and Contractors

**Subject:** G4S Contract

### 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 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 2 and 4 are exempt by virtue of section 31, 38 and 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

What is the length of the contract currently in place with the PSNI and G4S to provide civilian staff to the PSNI?

#### Answer

The G4S contract is not to provide civilian staff to PSNI but to provide contracted staff under the terms of the contract. The current contract is in place until 6 March 2023. There is an option to extend the contract for a further 2 years from 7 March 2023.

#### Request 2

How much do the PSNI pay G4S per hour?

#### Request 4

How many shifts have G4S failed to provide civilian staff for (1) Station enquiry office (2) civilian detention officer in 2021?

#### Answer to Requests 2 and 4

PSNI can advise that rates per hour vary per function. The CDO role is not part of the contract. PSNI is withholding all other information relevant to Requests 2 and 4 and the rationale for this is outlined under.

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 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 38 (1)(b) – Health & Safety** – Information is exempt information if its disclosure under this Act would, or would be likely to (b) endanger the safety of any individual.

**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).

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

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.

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.

### **Harm**

In relation to Request 2 the PSNI's commercial interests could be prejudiced if commercial details and costs were disclosed which would damage the business reputation of the Service. 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.

In relation to Request 4 PSNI has a duty to protect its officers and staff. 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.

### **Public Interest Test**

#### Factors Favouring Release – Section 31

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

#### Factors Favouring Retention – Section 31

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.

#### Factors Favouring Release - Section 38

Disclosure of this information would promote openness and transparency.

#### Factors Favouring Retention - Section 38

Releasing any information re the security of the police estate potentially has an extremely high risk that could place lives at of officers, staff and persons in the vicinity, leaving them vulnerable to attack by criminals or terrorists, whilst performing duties within the station.

#### Factors Favouring Release Section 43

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 Section 43

Releasing 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. The PSNI's commercial interests could also be prejudiced if commercial details and 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**

The impact on PSNI's law enforcement capability and the safety of officers and staff outweighs the public interest to disclose the information.

Release of commercial 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 hourly rates 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.

It has therefore been determined that the release of this information into the public domain would not be in the public interest. The release of information under the Freedom of Information Act is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by 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.

### **Request 3**

What penalties is imposed by the PSNI if G4S fails to comply with the terms of their contract?

### **Answer**

The contractor is subject to Key Performance Indicators where deployment targets have not been met which includes cost recovery for officer back-fill. The Contractor is also bound by the Terms and Conditions of Contract which includes clauses to address inadequate performance.

### **Request 5**

What penalties have the PSNI imposed on G4S for failing to supply civilian staff in 2021 for both SEA and CDO roles?

### **Answer**

PSNI have recovered back-fill costs where officer deployment has been required to backfill station enquiry positions.

Please see response to Request 4 re CDOs.

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.