

Mr Michael Agboh-Davison

data.access@justice.gov.uk

03<sup>rd</sup> May 2019

Dear Mr Agboh-Davison

**Freedom of Information Act (FOIA) Request – 190208010**

Thank you for your request dated 09<sup>th</sup> March 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

(Please provide a) *“copy of the Contract for collection of Approved Enforcement services in the West Yorkshire region”*

Your request has been handled under the FOIA.

I can confirm the MoJ holds all of the information that you have requested.

I Include copies of contract variations that extend the end date of the contract up to 30<sup>th</sup> April 2019.

Some of the information is exempt from disclosure under section 43(2) of the FOIA, because it would to prejudice the commercial interests of the parties concerned. I have concluded that the public interest favours withholding the redacted parts of the Contract provided to you on this basis.

These are:

- Ref: RPU N09 10/81/1d – page 34 - 3.4 Performance Indicators
- Ref: RPU N09 10/81/1d – page 35 - 4.2 Performance Indicators
- Ref: RPU N09 10/81/1d – page 43 - 8.3 Termination rights
- Ref: RPU N09 10/81/1d – page 47 - 16.1 and 16.2 Insurance details
- Ref: RPU N09 10/81/1d – page 49 and 50 - Service level agreements
- Ref: RPU N09 10/81/1d – page 51 - Arrest unit costs
- Ref: RPU N09 10/81/1d – page 55 - 7.3 and 7.4, page 56 - 7.5, 7.6, 7.7 and 7.10, page 57 - 7.11, page 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 - 7.12, page 69 – 7.13, page 70, 71, 72 - 8.1 Balanced scorecard
- Ref: RPU N09 10/81/1d – page 137, 138, 139, 140 – Annex M Warrant volume data
- Ref: RPU N09 10/81/1d – page 141, 142, 142, 144, 145, 146, 147, 148, 149, 150, 151 – Annex A Service enhancement
- Ref: RPU N09 10/81/1d – page 151, 152, 153, 154, 155, 156, 157, 158, 159, 160 – Annex B Implementation timescale

Section 43 is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

#### **Public interest considerations favouring disclosure**

- Disclosure would be consistent with the Government's commitment to increasing transparency and in contracted services used by the Ministry of Justice and HM Courts Service in particular. and
- Release of the information would give public confidence that MoJ contracts have sufficient robust improvement measures to ensure public funds are used to obtain a quality service and value for money.

#### **Public interest considerations favouring withholding the information**

- There is strong public interest in protecting the commercial interests of the Ministry of Justice. Disclosing this information would have a detrimental effect on the department's or contractor's ability to defend its commercial interests.
- Impact upon the ability of the Department to operate in the relevant marketplace; and prejudice the Ministry of Justice's ability to negotiate for greater value for money and improved services in the future.
- Undermine the integrity of future procurement and the tender for approved enforcement suppliers as it is in the public interest that approved enforcement agency contracts attract sufficient bids from quality service providers. There is no expectation on part of bidders for detailed information such as requested, to be publicly disclosed and the release of such would likely have adverse effect on the quality of future bids and damage the commercial interests of the Ministry of Justice and HM Courts and Tribunals Service.

On balance, I consider the public interest favours withholding the information at this time.

You can find out more information regarding exemptions under section 43 here:

<http://www.legislation.gov.uk/ukpga/2000/36/section/43>

Some of the information is exempt from disclosure under Section 31(1)(c) the administration of justice.

These are:

- Ref: RPU N09 10/81/1d – page 37 – 6.13 Unexecuted warrants
- Ref: RPU N09 10/81/1d – page 121 – warrant handling period -summary

Section 31 is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose each piece of information to you, we took into account the following factors:

#### **Public interest considerations favouring disclosure**

- Disclosure would be consistent with the Government's commitment to increasing transparency; and
- Release of the information could open a dialogue with the public and increase confidence in the Departments decision making processes.

## **Public interest considerations favouring withholding the information**

- Its disclosure would undermine the ability to successfully execute warrants, by the contractor.
- Its disclosure could aid in the evasion of warrant issued and result in fines issued as a result of criminal proceedings being unenforceable and uncollected. .

On balance, I consider the public interest favours withholding the information at this time. You can find out more information regarding exemptions under - section 31 here:

<http://www.legislation.gov.uk/ukpga/2000/36/section/31>

Some of the information is exempt from disclosure under section 40(2) of the FOIA, because it contains personal data.

These are:

- Ref: RPU N09 10/81/1d – page 3
- Ref: RPU N09 10/81/1d – page 42 – 6.39
- Ref: RPU N09 10/81/1d – page 46 – 14.2
- Ref: RPU N09 10/81/1d – page 54
- Ref: RPU N09 10/81/1d – page 123 1.1, 1.2, 2.1, 2.2, 3.1
- Ref: RPU N09 10/81/1d – page 124 5.3
- Ref: Variation – Collectica 13
- Ref: Variation 14
- Ref: Variation 15
- Ref: Variation 16
- Ref: Variation 17
- Ref: Variation 18
- Ref: Variation 19

Personal data can only be released if to do so would not contravene any of the data protection principles set out in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018.

We believe releasing the requested information into the public domain would be unlawful. Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA.

This is an absolute exemption and does not require a public interest test.

## **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Name

John Foster

Contracted Services and Performance Team

HMCTS Operations Directorate