

01 October 2021

Dear Mx Williams

**Re: Internal review of decision regarding FOI 1991**

Our Reference: FOI/2021/1991

I am writing to you in response to your request for an internal review of the decision regarding your Freedom of Information (FOI) request. Please accept my apologies for the delay in responding to you. We have experienced a substantial increase in workloads across the organisation due to demands relating to the COVID-19 pandemic.

In your original request, you asked us to provide you with the following information:

1. How much money has been paid to Pink News (either directly or via a 3rd party) in the period 2019 to present?
2. What assessment was done of the risks posed by such a partnership to the perceived impartiality of the ONS?

In our response<sup>1</sup>, we provided the following:

1. We withheld prices paid to Pink News under Section 43(2) of the Freedom of Information Act 2000 (FOIA), whereby information is exempt if it would, or would be likely to, prejudice the commercial interests of the public authority or any third party. This is a qualified exemption and is also subject to a public interest test. We outlined that this exemption was engaged as the disclosure of this information would prejudice the commercial interests of ONS, and a third party's ability to generate higher levels of income in the future.

Our public interest arguments for withholding this information included that disclosure of the requested information would jeopardise our ability to negotiate future contracts and procurements at an advantageous price for us, which would be in the public interest as this will help to preserve public funds.

Additionally, we also explained that it is in the public interest for public authorities to be able to maintain the trust and confidence of the suppliers with which we work with.

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<sup>1</sup>

<https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/moneypaidtoaparticularorganisationandriskassessment>

2. We explained that the supplier appointed to conduct our campaigns activities was appointed following a rigorous procurement exercise in accordance with the Public Contract Regulations (2015). As part of this process, supplier vetting is conducted.

As per your request for internal review, I have assessed how your request has been handled.

## **Refused under Section 43 of the FOIA**

### **Question one:**

Upon review, I have found that our use of section 43 exemption was applied incorrectly. Our response should have explained in more detail the status of the information requested.

ONS does not have a relationship with Pink News. ONS contracted Manning Gottlieb OMD to place adverts in numerous publications and outlets. This includes, but is not limited to, magazines, newspapers, radio and television. Manning Gottlieb OMD were awarded this contract through the CCS Framework RM3796.<sup>2</sup> This is a single supplier framework mandated to government departments.

Due to the nature of invoicing in the contract with Manning Gottlieb OMD, the requested information relating to the costs paid to Pink News is not held by the organisation either directly or indirectly.

### **Question two:**

As mentioned previously, ONS does not have a relationship with Pink News and any information relating to any partnership will therefore be information not held. We apologise that this was not made clear in our original response.

You have now made a new request to be provided with correspondence (internal or external) or documentation relating to this decision including any assessment of the risk of reputation damage prior to the formal procurement process. We can confirm that we do not hold the information requested. We do not have a contract with Pink News.

## **Conclusions**

I have found that our application of a Section 43 FOIA exemption was incorrectly applied. We should have explained that the information requested is not held by our organisation and for this, we apologise.

If you are still unhappy with the outcome of this review, you have the right to appeal to the Information Commissioner. They can be contacted by writing to:

Information Commissioner's Office  
Wycliffe House

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<sup>2</sup> <https://www.ons.gov.uk/census/censustransformationprogramme/2021censussuppliers>

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Yours faithfully,

Aminata Salla  
Legal Services

On behalf of:  
Robert Bumpstead  
Deputy Director - Central Policy Secretariat, UK Statistics Authority