



South Tyneside Council

Date: 9th March 2018
Our Ref: FOI 18 19259

Andrew Bennett
request-465605-0a8c2ad1@whatdotheyknow.com

Dear Mr Bennett

Freedom of Information Request

I refer to your Freedom of Information Request received on the 19th February 2018

Your request asked for the following information:

Your Request

Can you please disclose information regarding the council's use of GIS/Map software? This includes any software the council uses that allows for the distribution and/or use of GI/Map data over an intranet or the internet for use and consumption by staff and/or the public.

Specifically, can you disclose:

1. The name & provider of any GIS/Map software
2. The number & types of license held for each individual GIS or Map software
3. The price of the licenses held
4. The renewal date or contract length of the licenses held

For Example:

Software: ArcGIS - ESRI, Number of Licenses: 15, Price: £xxxx.xx, Renewal Date: 01.01.2019

Software: Map Info – Pitney Bowes, Number of Licenses: 12, Price: £xxxx.xx, Renewal Date: 01.01.2019

Can you also please disclose the number of any specific GIS staff within the council and their job titles?

For example:

Total Number of GIS Staff: 4 GIS staff

Job Titles: 1 x GIS Manager, 3 x GIS Officers

Council's Response

We can confirm the following information with regards your request above.

1. The name & provider of any GIS/Map software
2. The number & types of license held for each individual GIS or Map software
3. The price of the licenses held
4. The renewal date or contract length of the licenses held

MapInfo, Pitney Bowes, 23 Concurrent 6 Node Locked licences, This is commercially sensitive (Please see the response below*), March 2018
IShareGIS, Astun Technology, Site Licence, This is commercially sensitive (Please see the response below*), April 2018.

Can you also please disclose the number of any specific GIS staff within the council and their job titles?

There are currently no (zero) GIS specific staff within the Council. All GIS tasks are performed by the System Support team. The GIS part of this service is less than a full time equivalent.

On 1st October 2008, the Council entered into a 10 year Strategic Partnership with BT to provide the Council's ICT services. Under this arrangement all staff, contracts and ICT arrangements have been novated over to BT. It is considered that BT's staff arrangements are confidential and form part of their approach to business development. We are therefore of the opinion that to release this information would prejudice BT's business development.

The Council is citing Exemption 43 (Commercial Interests) and Exemption 41 (Information Provided in Confidence) of the Freedom of Information Act 2000 for refusal. The Council considers that such a disclosure would prejudice BT's commercial arrangements, and would in our opinion, constitute a breach of our contractual arrangements.

Public Interest Test

Before relying on Exemption 43, the Council also has to apply the public interest test. The Council must consider whether the public interest test in withholding information outweighs the public interest test in disclosing the information

It is clear that there is public interest in how the Council delivers its ICT services and how it achieves its best value objectives. It is also clear that the Council has a duty to comply with its duties and commercial projects in an appropriate, transparent and professional manner, where applicable.

However, one must also consider the significant impact that such a disclosure would have on our partners as well on the Council:

BT's point of view is that:

- **BT acts in an extremely competitive market place. The disclosure of BT's contracts and pricing structures would be of particular value to external competitors who may try to undercut them in future tender agreements with the Council;**
- **The disclosure of BT contracts and pricing structures may adversely affect the Council's bargaining position and those parties to the agreement in future negotiations;**
- **The release of BT prices and contract information is regarded as sensitive commercial information, which reflects BT's approach to business development. This in affect would involve disclosing and revealing BT's trade secrets.**
- **The disclosure of BT staffing structures is regarded as a trade secret;**

From the Council's point of view it may:

- **Discourage private organisations to tender for contracts with the Council which may jeopardise our value for money initiatives;**
- **Create uncertainty with the existing private contracts we hold.**

Exemption 41 is an absolute exemption and is therefore not subject to the public interest test.

Copyright Procedure

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use this information for your own purposes, including any non-commercial research you are doing and news reporting. Any other re-use of this information, for example commercial publication requires the permission of the Council as the Copyright holder. All re-use requests will be treated under the Re-Use of Public Information Regulation 2006.

Internal Review Procedure

If you are dissatisfied with the handling of this enquiry you can invoke the Council's internal review procedures to ask for an independent review of your request. All such requests must be sent to us within 4 weeks and must clearly state in writing your reference number and your reasons for your request for internal review.

The Information Governance Team can be contacted at the following address:
Information Governance Team, Town Hall and Civic Buildings, Westoe Road, South Shields, Tyne and Wear, NE33 2RL.

Information Commissioner's Office (ICO)

Should you remain dissatisfied with the final outcome of the internal review process you can write to the Information Commissioner to ask for an independent review. The

Information Governance, Town Hall and Civic Offices,
Westoe Road, South Shields, Tyne and Wear, NE33 2RL

Information Commissioner is the Government's Independent Body responsible for overseeing the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004.

Please do note the ICO will only review cases that have exhausted the Council's internal review procedures. All correspondence to the ICO must quote the Council's reference number and your reasons for your appeal.

The ICO's contact details are as follows: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF. More information can be found on the ICO's website at www.ico.org.uk

If you have any further queries about this matter then please do not hesitate to contact us.

Yours sincerely

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Information Governance

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