

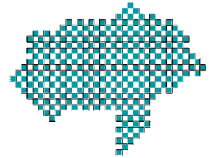
Our Ref: 0121.2017-18

Date: 04 October 2017

Gwen Swinburn
request-403739-44a08ee8@whatdotheyknow.com



Police and Crime
Commissioner
North Yorkshire



Joint Corporate Legal Services

Dear Ms Swinburn,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 0121.2017-18

I write in connection with your request for information which was received by the Office of the Police and Crime Commissioner for North Yorkshire (OPCC) on 27 April 2017. I note you seek access to the following information:

I notice that at some point you changed auditors from Veritau.

- 1. Can you furnish all recorded information regarding the decision/reason /process for changing internal auditors.*
- 2. Please provide the call for tenders, numbers and bidders prices and how selection was made.*
- 3. For the last 5 years please provide the costs paid out for the standard internal audit, and separately any additional fees for extra services.*
- 4. Please furnish the contract and SLA and the length of each.*

Extent and Result of Searches to Locate Information

To locate the information relevant to your request searches were conducted within the OPCC.

Decision

The OPCC/ North Yorkshire Police have not held a contract with Veritau for internal audit purposes since Veritau's establishment in 2009.

Over the last 5 years North Yorkshire Police have held contracts with two Internal Auditors, the earlier contract was under a collaboration agreement with West Yorkshire Police (WYP).

Our current contract for internal audit services is with Baker Tilly Risk Advisory Services LLP (now named RSMUK).

- 1) The decision/ reason and process for changing internal auditors can be found upon the enclosed 'Procurement Background and Process' document.

Redactions have been made pursuant to sections 43(2) – ‘Commercial Interests’ and 40(2) – ‘Personal Information’. Details on this exemption can be found later in the letter.

2) The contract with Baker Tilly Risk Advisory Services is for an estimated value of £130,200 for a 30 month period. Details on the call for tenders, numbers and how selection was made can be found upon the enclosed ‘Procurement Background and Process’ document and the ‘Invitation to Tender’ documents.

I am withholding the bidder’s prices pursuant to section 43(2) - Commercial Interests. Details on this exemption can be found later in the letter.

3) Please see below a breakdown of the Standard and additional Internal Audit Charges for the last 5 years split between the Chief Constable and PCC.

North Yorkshire Police Internal Audit Charges					
	12/13 £	13/14 £	14/15 £	15/16 £	16/17 £
Chief Constable - Force	18,275	20,984	23,600	21,188	19,433
Police and Crime Commissioner	40,000	40,000	40,000	35,787	33,742
Total Standard Internal Audit Fees	58,275	60,984	63,600	56,975	55,560

Additional Internal Audit Fee for Project advise	0	0	0	0	2,385
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4) Please find enclosed the collaboration agreement with WYP and shared services agreement, which was signed on 06 May 2009. Further details can be found at the following hyperlink;

<https://www.northyorkshire-pcc.gov.uk/decision-notice/0042013-extension-contract-internal-audit-provision-31-march-2014/>

The current contract, beginning on 01/10/2015, is with Baker Tilly Risk Advisory Services (now RSMUK). I am exempting the provision of the contract for the current internal auditing services pursuant to section 21 – ‘Information Reasonably Accessible by other Means’, as the contract is already publically available upon the Blue Light Procurement Database (BLPD) at the following hyperlink;

<https://www.blpd.gov.uk/foi/foicontractview.aspx?contractid=29379>

Exemptions

Section 17 of the Act requires North Yorkshire Police, 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 that would not otherwise be apparent) why the exemption applies. Please see the relevant exemption headers below for further information.

Section 21 – Information Reasonably Accessible by Other Means

The exempted information is deemed already reasonably accessible. A hyperlink to the information has been provided.

Section 21 is an absolute class based exemption and I am not required to consider the harm or public interest when applying this exemption.

Section 40 – Personal Information

Section 40(2) is an absolute class based exemption, which does not require a public interest test, but requires the balancing of the legitimate interests of the public against the interests of the individual under the first Data Protection Principle (that of ‘fairness’.)

This exemption applies because the right given under the Act to request official information held by public authorities does not apply to the personal data of third parties where disclosure of that information would not be fair to the individual, and where there is no legitimate public interest in disclosure.

In all the circumstances of the case it has been determined that the duty to the individual under the Data Protection Act 1998, and the public interest in maintaining the exemption from disclosure of personal information held by the force in such instances, outweighs the public interest in disclosure. In this instance, personal information can only be disclosed to the individual concerned.

Releasing personal details to a person other than the data subject would not only breach the data subject’s Data Protection rights it may also breach the obligations placed on an authority under the European Convention on Human Rights.

Section 43(2) – Commercial Interests

This is a qualified, class based exemption, which requires that I conduct a public interest test to balance the legitimate interests of the public in knowing the information against the interests of non-disclosure.

This exemption applies because the disclosure of the requested information would, or would be likely to prejudice commercial interests.

Public Interest Test

Factors Favouring Disclosure

There is a strong public interest in the efficiency of public sector spending. Releasing the information would provide the public with the knowledge on what prices the bidders proposed to North Yorkshire Police and what North Yorkshire Police could have spent on Internal Auditing services if they did not chose to agree a contract with RSMUK. Disclosure would promote openness and transparency, displaying that public funds are being spent correctly and efficiently.

Factors Favouring Non-Disclosure

To run tendering processes successfully the pricing information contained is commercially sensitive. Disclosure of the supplier’s bids would hinder fair competition between the competitive businesses. In the future, other companies may be deterred from entering into a tender application with North Yorkshire Police in fear that their pricing strategies would be compromised.

The bidders also proposed their prices in confidence; therefore it is important to maintain the confidentiality of this information. Breaching any of the companies’ confidentialities could not only detriment the commercial interest of the companies, but would also put North Yorkshire Police at a disadvantage in negotiations at future reviews and through future necessary competition.

Additionally, disclosure of certain information could cause reputational damage to a supplier, which would impact their ability to conduct future business as it may deter persons from entering into business with them. This information should be removed as to not harm the supplier's commercial interests.

Balancing Test

The disclosure of commercially sensitive information would prejudice the commercial interests of the supplier's involved and may deter them from participating in future procurement initiatives which would consequently be of a detriment to North Yorkshire Police. There is a strong public interest against disclosure where that disclosure would be likely to prejudice the Force's own commercial interests. Disclosure of the information would be likely to adversely affect the bargaining position of North Yorkshire Police during future contractual negotiations relating to current and future contracts which would result in less effective use of public money.

The public interest would not be served where disclosure of commercial information would hinder fair and open competition for public sector contracts.

Pursuant to Section 17(1) of the Act this acts as a Refusal Notice in relation to the exempted parts of your request.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Complaint Rights

Your attention is drawn to the attached sheet which details your right of complaint.

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Robert Bates
Legal Officer (Civil Disclosure)
Joint Corporate Legal Services
North Yorkshire Police

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require the North Yorkshire Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

In all possible circumstances the North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with North Yorkshire Police if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk>. Alternatively, phone: 0303 123 1113 or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF