



Freedom of Information Team
Financial Reporting Council
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Foia@frc.org.uk

Celeste Morrison

By e-mail only to request-890024-e4fef9a8@whatdotheyknow.com

23 September 2022

Dear Celeste Morrison

Freedom of Information request- Our Ref: F250 Morrison

I am writing in response to your email dated 24 August 2022 requesting the following information made under the Freedom of Information Act 2000 (FOIA):

I would like to make a request for the following information relating to the authority's current Multi-Functional Devices and printing/scanning services contract(s)

1. *What services are included in the contract(s)? (e.g. printing vs scanning etc)*
2. *Which supplier is delivering them? (If in-house, please confirm or if multiple provider please identify them)*
3. *How many contracts does this entail and what's the award value for each?*
4. *When do these contracts expire and do they have any extensions?*
5. *What is the annual volumetric data (split by Annual Mono and Annual Colour print)?*
6. *What is the total number of devices supplied?*
7. *What Managed Print Service software solution do you use?*
8. *How many Mono MFDs and Colour MFDs do you have?*
9. *What document management solution do you use?*
10. *What High Volume printing devices do you use?*
11. *Were any framework agreements used to procure the goods/services? If so, which ones?*
12. *Any documentation you can provide me with, e.g. the order form*
13. *What department is managing the contract and who's the decision-maker?*
14. *How many Adobe Acrobat (standard, professional and reader) licenses do you have?*
15. *What is the annual cost?*
16. *When is the renewal date?*
17. *Who is responsible for the contract?*
18. *Do you use any other PDF editing tools?*

Our response under FOIA

1. The FRC's printing and scanning services ("services") are provided under one contract.
2. ACS Office Systems ("ACS") provides these services to the FRC.
3. All services (including IT services) provided to the FRC by ACS are priced and covered in one contract. As a result, we do not have the award value for each of the services. We are unable to provide the total award value for our contract with ACS as disclosure would or would be likely to prejudice the commercial interest of ACS and the FRC. Therefore, we are withholding this information under section 43 of FOIA. For a detailed explanation of why this exemption applies, please see **Annex A** below.
4. The FRC's contract with ACS is on a rolling basis. Therefore, the contract does not have an expiry date.
5. The annual volumetric data for Annual mono print is estimated at 300,000 and for Annual Colour print is estimated at 110,000.
6. The FRC has 18 Devices.
7. The FRC uses Papercut as its Managed Print Service software solution.
8. The FRC has 1 Mono MFDs and 4 Colour MDFs.
9. The FRC uses SharePoint as its document management solution.
10. The FRC uses Ricoh devices for High Volume printing.
11. The FRC did not use a framework agreement to procure its goods and services with ACS.
12. We have interpreted "any document" to mean any recorded information we hold in relation to our procurement process with our services provider, ACS. Disclosure of this information would or would be likely to prejudice the commercial interests of ACS and the FRC. Therefore, we are withholding this information under section 43 of FOIA. Please refer to **Annex A** for a detailed explanation of why this exemption applies.
13. The Head of IT manages the contract with ACS. We are unable to provide the name of the Head of IT as it is information concerning another individual, therefore we consider that section 40 (personal information) of FOIA applies. Further information on the application of this exemption is also set out in **Annex A**.
14. The FRC uses Adobe Acrobat Reader on all of the FRC's computers. This is a free product and is installed on 450 computers
15. Adobe Acrobat Reader is a free product.
16. There is no renewal date.
17. Please refer to our response to question 15.
18. The FRC uses Kofax Power PDF.

Making a complaint

If you are unhappy with the way your request has been handled, you have the right to ask for an internal review. An internal review request should be submitted within two months of the date of receipt of the response to your original letter and can be made by contacting the FOIA team by e-mail (FOIA@frc.org.uk) or post (8th Floor, 125 London Wall, London EC2Y 5AS).

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; Tel: 0303 123 1113 / 01625 545 700; Website: <https://ico.org.uk>.

Yours sincerely

The Information Team

Financial Reporting Council
Email: foia@frc.org.uk

Annex A

Under section 1(1)(a) of the Act, any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request. If the public authority holds information of the type specified in the request, the person requesting the information is entitled under section 1(1)(b) of the Act to have the information communicated to them.

The rights in section 1(1)(a) and (b) are subject to a number of exclusions and exemptions. Having considered your request, we have decided not to disclose some of the requested information under sections 40 and 43 of FOIA. I will explain why I consider this section to apply below.

Section 40 (Personal data)

Section 40(2) of the Act provides an exemption from the right to information if it is personal data, as defined in the Data Protection Act 2018.

This is an “absolute” exemption. Therefore, it is not necessary to balance the public interest for and against disclosing the information.

We consider that the first condition (as stated in section 40(3) of the Act) is satisfied, as the information requested comprises the personal data of individuals other than yourself and which, if disclosed, would breach the requirement of the UK Data Protection Regulations (“UK GDPR”) including the data protection principles of Article 5 and the Data Protection Act 2018 (“DPA”).

In particular, it would be a breach of the first data protection Principle as set out in Article 5 of the UK GDPR, to disclose some information as it would not be necessary or fair to the individuals concerned, or lawful, where none of the conditions in Article 6(1) of the UK GDPR have been met. The individuals concerned have not provided their consent for their personal details to be made public and the release of such information may be detrimental to the individuals themselves.

Consequently, for these reasons we have withheld the name of the Head of IT under section 40 of the Act.

Section 43 (Commercial Interests)

Section 43(2) of the Act provides that information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

This exemption is qualified and we have balanced the public interest for and against disclosure as required by the Act.

For disclosure:

- There is a strong public interest in the public being able to see and potentially scrutinise how much the FRC is spending on services.
- There is a strong public interest in encouraging competition for public sector contracts.

Against disclosure:

- It is strongly in the public interest that the FRC has open and candid exchanges of information with the firms it enters into a commercial agreement with, regardless of the commercial sensitivity of the information.
- Disclosure is likely to undermine the FRC's commercial interests as to disclose the information requested would adversely impact our position in future negotiations with suppliers or procurement exercises with similar specifications.
- The commercial interests of ACS is likely to be harmed by such a disclosure as this may affect their ability to negotiate with other potential future customers. Further, disclosure would potentially provide an unfair advantage to competitors of these suppliers when bidding for work with both the FRC and other commercial entities.

On this occasion, and for the reasons set out above, we have concluded that the balance of the public interest is in favour of not disclosing the information.