

Our Ref: IM-FOI-202- 2343
Date: 20 January 2021



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

The requested information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

For ease of reference, your request is replicated below together with the response.

1. List of all standard issue equipment giving to police constables

Section 25(1) – Information otherwise accessible

The above requested information is held, however, is available at public source.

<https://www.scotland.police.uk/spa-media/fsjpeu0n/uniform-appearance-standards-sop.pdf>

This is an absolute exemption and does not require the application of the Public Interest Test.

2. Exact prices to each item of equipment constables are issued with.

3. How much money is spent on per officer when issuing equipment?

In relation to questions 2 and 3, I must respond in terms of Section 16 of the Freedom of Information (Scotland) Act 2002 however, I am refusing to provide you with this information. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information requested. The exemption that I consider to be applicable is:

Section 33(1)(b) - Commercial Interests

The information requested is a specific part of the contract details with Police Scotland and the service provider. As you may be aware the tendering process is open to competition and if utilised, companies are invited to submit their tender bid with details of the costs and processes they would use for the successful completion of the contract. As a result any company who submits a tender bid is required to give detailed information regarding the capabilities and financial ability of the company to complete a contract. Public disclosure of such information is likely to give competitive advantage to other similar companies and as a result would have a damaging impact on the company concerned.

Any relevant information supplied by a successful tender company is provided in the expectation that whilst remaining relevant, details within their tender bid, which is commercially sensitive, will be held by Police Scotland and not disclosed to another organisation which may gain a competitive advantage in receiving this information. However, if the information was disclosed this may, in the future, reduce the number of companies tendering for the supply of goods and services, they being aware that the Police will disclose commercially sensitive information. This is likely to negatively impact on the tendering process used by the service to ensure it purchases the most efficient and cost effective services in the future, and prejudice the commercial interests of Police.

This is a non-absolute exemption which requires the application of the Public Interest Test.

Public Interest arguments in support of disclosure

- Would allow greater scrutiny of the way public funds are spent;
- Would increase accountability and transparency in terms of this spending;
- It is in the public interest for Police Scotland to procure services competitively, to ensure best value for money.

Public Interest arguments in support of withholding the information

- Would be commercially unfair to our current suppliers;
- Could damage Police Scotland's relationship with the suppliers;
- The purpose of the tender process is to ensure that all options are presented to Police Scotland and from there the best option in terms of service and cost is selected.

Public Interest Balancing Test

Police Scotland is a publicly funded organisation and therefore the Service has an obligation to obtain best value for money with particular services. Further, in order to do this, it is essential to maintain working relationships with these companies that tender their services. As such, Police Scotland will not disclose any information that would impact on the ability to do both. The public interest would not be served if it were no longer possible to engage companies in a tender offer if they believed that conducting business with Police Scotland would result in their confidential financial information being released.

Should you require any further assistance please contact Information Management - GLASGOW on 01786 895864 quoting the reference number given.

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If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to xxx@xxxxxxxx.xxx.xxxce.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.