

2nd February 2021

REFERENCE: FOI/21/1

Dear Sir,

Thank you for your request for information dated 5 January 2021 and detailed below.

I want to submit a request for some information from the organisation, in relation to their contract's register.

The FULL contract register should display all the organisations existing/live contracts I would like the register to display the following columns/headings:

1. *Contract Reference*
2. *Contract Title*
3. *Procurement Category*
4. *Supplier Name*
5. *Spend (Total or Annual)*
6. *Contract Duration*
7. *Contract Extensions*
8. *Contract Starting Date*
9. *Expiration Date*
10. *Contract Description [Please provide me with as much detail as possible.]*
11. *Contact Owner (Full contact details if possible.)*
12. *CPV codes/ProClass*



IMPORTANT

1. *For those organisation planning to make an exemption, the spend information I have requested is an overall figure and I am not requesting a complete breakdown of services relating to the spend.*
2. *If the organisation has a CRM system or a similar system there should be a facility to download and extract contract data.*
3. *You may forward me a Weblink to a portal to download the contract register, please make sure all of the organisation's contracts are provided as doing prior research I have found that most organisations have only uploaded a small portion of all of their contracts.*

Please do not think that this is the only information I require if you could provide me with more information that would be great.

Contract Data/API Contact Details

13. *Can you also provide me with contact details of the person responsible for the actual contract's register or someone responsible for API? [Name, Job Title, Telephone, Email Address] At the very least provide me with their actual job title.*

(Meaning of API "a set of functions and procedures that allow the creation of applications which access the features or data of an operating system, application, or other service.")

Please provide me with the contract's register file in an excel format.

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold the information that you are looking for, and you have the right to have the information given to you. These rights may only be overridden if the information you are looking for is covered by an exemption in the Act.

I am pleased to enclose the majority of the information requested on the attached excel spreadsheet. In response to your previous request of the 26th February 2020, and 20 April 2020 we have already provided you with details of contracts awarded up to and including the 30 April 2020. The information provided in the latest response relates to contracts commencing after that date and is correct up to the date of 4 January 2021. Please also



note that the information supplied includes contracts awarded to carry out functions within the Youth Justice Agency, Northern Ireland Prison Service and Compensation Services who come under the Department of Justice.

It should be noted that in the list of contracts provided some of these will have been taken from a framework and some procured through eTendersNI. However, I have not included the supplier names as they cannot be released for security reasons. In Northern Ireland the Department of Justice do not publish details of successful tenderers due to the threat level in Northern Ireland against contractors delivering services to the Authority. Therefore this information has been withheld under s38 (Health and Safety) of the Freedom of Information (FOI) Act.

Further where a release would reveal the commercial advantages or disadvantages of a company, such a disclosure would be likely to cause significant damage to its commercial interests. Such a release would reduce tenderer's ability to compete successfully for such services in the future in both the public and private sectors and, by disclosing commercially sensitive material in this way, could diminish confidence in the integrity of the public tendering process and thus disincline companies from competing in such contests. This information has therefore been withheld under s43 (Commercial Interests) of the FOI Act.

In relation to questions 7 & 12 of your request, which relate to contract extensions and 'CPV codes/ Proclass', please be advised that this information is not held centrally within the Department. To locate and extract the information would involve a manual search of each contract which would exceed the cost limit of £600. However, as way of assistance the relevant UNSPSC codes have been provided as an alternative to the CPV codes.

The names of contract owners have been withheld for security and data protection reasons on the grounds that they are junior staff members of the Department of Justice. This information has therefore been withheld under s40(2) (Personal Information of third parties) and s38 (Health and safety) of the FOI Act. However to assist in this case and in response to question 13 of your request, the contact details of a Senior Procurement/ Contracts manager are provided below:



Mr John Kerr

e-mail: John.kerr@justice-ni.x.gsi.gov.uk

In accordance with our obligations under the Freedom of Information Act, the following exemptions have therefore been applied:

Section 40(2): Personal information of third parties

Section 38: Health & Safety

Section 43 (1)(2): Commercial Interests

Section 40(2)

The Data Protection Act 2018 prohibits the release of personal data and information which relates to third parties which could, if released, identify the third party to whom it relates. Disclosure would contravene the first and second principle of the Data Protection Act in that the data would be processed unfairly and in a manner incompatible with the original purpose. Further, none of the conditions in Article 6 of the General Data Protection Regulation are met to authorise lawful disclosure.

There is an expectation that names of these officials would not be released publically in connection with their work to protect their personal right to privacy. Furthermore, release of their names and contact details into the public domain could result in them potentially perceiving or receiving pressures, threats or intimidation because they work for the DOJ. Release of this information would be unfair thus breaching the first principle of the Data Protection Act.

Section 40(2) provides an absolute exemption and there is no requirement for the completion of a public interest test.

S38 (Health & Safety) public interest test

Section 38 (Health and safety) is a qualified exemption therefore we are required to consider whether the public interest in withholding information outweighs the public interest in releasing it. Please find the results of the public interest test below;



In favour of release:

The DOJ accepts that there is a public interest in placing as much information as possible in the public domain which will allow for debate and improve transparency and accountability. The public have a general interest in information that increases its knowledge and understanding of how Government works.

In favour of non-disclosure:

Given the sensitive nature of some of the work carried out by the DOJ, some individual or corporate suppliers might be, or might be likely to be, exposed to increased risk of targeting or attack should their involvement with the DOJ be made public. The risk of attack or targeting could vary depending on where the supplier is based, the nature of their business and the security situation at any given time. There is obviously a strong public interest in avoiding risks to individual and corporate suppliers, and those individuals associated with suppliers either as directly as employees or indirectly as members of employee's families.

In relation to contract owners, given the sensitive nature of some of the work carried out by the DOJ, some individuals might or might be likely to be exposed to increased risk of targeting or attack should their involvement in certain work be made public. This risk of attack or targeting could be increased depending on where an official lives and in some cases, officials do not let their friends and family know where they work for fear of such attack. There is obviously a strong public interest in avoiding harm to individuals and their families in relation to this matter.

Conclusion:

We have concluded that the public interest in withholding the names of suppliers and names of contract owners (DoJ staff) falls within the criteria described above for s38 outweighs the public interest in release.

S43 (Commercial Interests) public interest test



Section 43 is a qualified exemption and therefore we are required to consider whether the public interest in withholding information outweighs the public interest in releasing it. Please find the results of the public interest test below;

In favour of release;

There is general public interest in the disclosure of information. There is also public interest in ensuring proper management of public funds.

In favour of non-disclosure:

Release of the information would be likely to prejudice the commercial interests of the contractor. Specifically, release of a figure could give an advantage to competitors by giving an indication of the contractor's pricing for this type of activity. Release of the figure could also cause reputational damage, given that it is presented without context, which context could not be provided without disclosure of further commercially sensitive information. There is a clear public interest in ensuring the Department does not prejudice the interests of its contractors and in turn ensuring the Department can maintain a good working relationship with its contractors and deal effectively with contractors in future.

Release of the information would be likely to prejudice the commercial interests of the Department by disclosing the approximate pricing of a current contractor. This may put the Department at a disadvantage in future contract negotiation. There is a clear public interest in ensuring the proper and efficient use of public funds.

Conclusion

On balance the public interest is weighed in favour of non-disclosure. There is no significant public interest in disclosure of the figure, over and above the general public interest in the release of information. There is, however, a clear public interest in avoiding likely prejudice to the commercial interests of the contractor and the Department as outlined above.



Outside of our obligations under the Freedom of Information Act, I would also like to take this opportunity to advise that the Department also avails of collaborative contracts set up by the Department of Finance and Central Procurement Directorate (CPD). Contact details for DoF are as follows:

Freedom of Information Officer
Department of Finance
Room 26
Ground Floor
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB

Email: FOI@finance-ni.gov.uk

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours sincerely



Records & Information Manager

