

OFFICIAL



Heddlu Police

DYFED-POWYS

FOI Reference: 143/2021

Request:

Please can you provide the following service and maintenance contract information with regards to the organisation's Fire Alarms, Intruder Alarms, CCTV and Access Control?

1. Contract Description: Please provide me with a brief description of the overall service provided under these contracts.
2. Contract Types: Comprehensive, Semi Comprehensive including call outs, Basic Service Only.
3. Existing Suppliers: If there is more than one supplier please split each contract up individually.
4. Annual Spend per contract: The annual spend for these contracts and please provide the average spend over the past 3 years for each provider
5. Hardware Brands: The hardware brand of the organisation's Fire Alarms systems, Intruder alarms, CCTV and Access Control.
6. Number of sites covered by these disciplines.
7. Contract Durations:
8. Contract Expiry Dates:
9. Contract Review Dates:
10. Go to Market: How where these services procured, please provide me with either the tender notice or the framework reference number.
11. Contact Detail: Of the person from with the organisation responsible for each contract full Contact details including full name, job title, direct contact number and direct email address.
12. If the contract is a managed by an outside FM Company please can you provide all the relevant details with including the contact details of the responsible person from the FM company. (This request includes both DDI number and Mobile Number)

Response:

I can confirm that Dyfed-Powys Police does hold the information requested, however we are exempting the part of the information relevant to question 12 of the request, as we believe that the following exemption is relevant:

1	Contract details	FM contract for hard mechanical and electrical services and soft FM services
2	Contract type	Part Comprehensive
3	Existing supplier	CBRE
4	Annual spend and average spend	Annual Spend: £1,068,237.58 (Please note, this figure is the total value of the

		contract. To break this figure down on an annual basis would be deemed as commercially sensitive information and result in the application of an exemption). Average spend: There is no information held/recorded in respect of the average spend
5	Hardware brand	Fire Alarms systems - Apollo Intruder alarms - Texecom CCTV – Samsung Access Control – Honeywell Winpak
6	Number of sites with fire alarms	39
7	Contract duration	3 years + 1 year extension + 1 year extension
8	Contract expiry date	27/05/2024
9	Contract review date	27/05/2022
10	Procurement service type	National Procurement Services framework for Facilities Management NPS-CFM-0042
11	Force contact details	Andrew Rees – Senior Facilities Manager, Estates Department Tel no: 01267 226058 Email: Andrew.Rees.OPCC@dyfed-powys.pnn.police.uk
12	FM contract contact details	Denise Laing, CBRE Contact details: Section 40(2) applies https://www.cbre.co.uk/services/business-lines/global-workplace-solutions

Section 40(2) Personal Information

Section 40(2) applies to third party personal data and is exempt from disclosure under the Freedom of Information Act 2000 if disclosure, in relation to data subject to law enforcement processing, would breach any of the data protection principles contained within Part 3 - Chapter 2 of the Data Protection Act 2018. Under Section 34 within Chapter 2 “The Controller in relation to personal data is responsible for and must be able to demonstrate, compliance with” Chapter 2. Such information would not be released under the Freedom of Information Act 2000 unless there is a strong public interest. One of the main differences between the Freedom of Information Act 2000 and the Data Protection Act 2018 is that any information released under FOI is released into the public domain, not just the individual requesting the information and disclosure under the Act must be made with that in mind. As such, any release that identifies an individual through releasing their personal data, even third party personal data is exempt.

Personal data is defined under Section 3 of the Data Protection Act 2018 as:

“(2) ‘Personal data’ means any information relating to an identified or identifiable living individual (subject to subsection (14)(c)).

(3) ‘Identifiable living individual’ means a living individual who can be identified, directly or indirectly, in particular by reference to—

(a) An identifier such as a name, an identification number, location data or an online identifier, or

(b) One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.”

All members of the public including those employed by the force have an intrinsic right to privacy and these rights are protected by virtue of the Human Rights Act, the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) and a public authority must not interfere with that right. Any release of the information subject to the exemption is likely to compromise those rights.

Data Protection Act 2018

Part 3 – Law Enforcement – Chapter 2 Principles Section 35

The first data protection principle:

“(1) The first data protection principle is that the processing of personal data for any of the law enforcement purposes must be lawful and fair.”

General Data Protection Regulation

Article 5 of the GDPR – ‘Principles relating to processing of personal data’ provides:

“1. ‘Personal data’ shall be

(a) Processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);

(b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest...

2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (‘accountability’).”

Dyfed-Powys Police would not want to disclose any information that could potentially identify an individual. In this particular case, to release the contact details of a specific individual from the FM company, whereby those details are not published on the company website, would be a direct breach of Data Protection legislation. Therefore, as a consequence I am satisfied that Section 40(2) Personal Information exemption is applicable to the release of the information.

The Section 40 exemption is a class-based exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information.

The Section 40 exemption is in part qualified and in part absolute, in the present case it would be absolute as to release the information would breach Data Protection legislation and therefore there is no requirement to carry out a public interest test.

It should be noted that owing to the systems adopted by Dyfed-Powys Police in relation to the recording of such matters the information provided may or may not be accurate.

(This is a response under the Freedom of Information Act 2000 and disclosed on 30/03/21)