

OFFICIAL



# Heddlu Police

# DYFED-POWYS

**FOI Reference: 270/2021**

**Request:**

I kindly request the following information in accordance with the freedom of information Act 2000, with regard to your forces purchases of body armour.

- 1) Who is/are your current supplier/s
- 2) When does the contract end
- 3) How long was the contract term
- 4) When will the new procurement process start
- 5) What is the current level of protection
- 6) What is the current unit price per vest
- 7) What was the total value of the contract award
- 8) How many units of body armour have been purchased during the contract term

**Response 1:**

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- DHL

**Response 2:**

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- 31/03/2023

**Response 3:**

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- 7 years

**Response 4:**

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- A new national procurement process has been started led by The Metropolitan Police

### **Response 5:**

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

Please note: In relation to the below response, to provide more granular information would result in the application of exemptions.

- The body armour utilised by Dyfed Powys police adheres to the standards set for law enforcement agencies.

### **Response 6:**

I can confirm that Dyfed-Powys Police does hold the information requested however, Dyfed Powys police is exempting the release of this information by virtue of the following exemption: (please see the end of the document for an explanation of the applied exemption).

- **Section 43(2) – Commercial Interests applies**

### **Response 7:**

I can confirm that Dyfed-Powys Police does hold the information requested, the details of which are as follows:

- At time of award the value was approx. £380K

### **Response 8:**

I can confirm that Dyfed-Powys Police does hold the information requested however, Dyfed Powys police is exempting the release of this information by virtue of the following exemption: (please see the end of the document for an explanation of the applied exemption).

- **Section 43(2) – Commercial Interests applies**

### **Explanation of the applied exemption(s) – Section 43(2) Commercial Interests**

*“(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it).”*

This is a qualified and class based exemption. As a class based exemption, legislators have already accepted the harm in release of this class of information. As a consequence there is no requirement to evidence the harm in disclosing such information. However, as the exemption is a qualified exemption there is a requirement to apply the public interest test, as detailed below.

### **Public Interest Test:**

#### ***Considerations Favouring Disclosure:***

There is a requirement to provide to the general public a better understanding of how public funds are spent. One of the underlying principles of the Act is the need for openness and

transparency. In this case, there is a public interest in establishing that Dyfed-Powys Police has negotiated a competitive rate in relation to the supply of body armour.

***Considerations Favouring Non-Disclosure:***

In this case, to release details relating to specific details of the body armour contract would be likely to prejudice the commercial interests of the current supplier by adversely affecting its bargaining position during contractual negotiations which would result in the less effective use of public money.

To provide details on the unit price would not only prejudice the commercial interests of the company/supplier but also that of Dyfed-Powys Police, as the release of this information may also affect the competitiveness of the contract which in turn would affect the relationship the force has with those companies/suppliers or individuals which could result in civil action from a third party. Furthermore, disclosing this information may prohibit Dyfed-Powys Police from being able to negotiate a contract that is of maximum benefit.

**Balancing Test:**

When balancing the public interest test we have to consider whether the information should be released into the public domain. Advantages and disadvantages of disclosure need to be weighed against each other. In this case there is the use of public funds favouring disclosure which needs to be weighed against the damage that would occur to any ongoing or future tender process and the commercial interests of third parties.

By releasing the requested information the commercial interests of a business and individuals may be compromised including that of Dyfed-Powys Police, along with the relationship that Dyfed-Powys Police has with that company/supplier or persons. Therefore, the factor favouring non-disclosure, which is damage would occur to any future tender process and the commercial interests of third parties outweighs the factor favouring disclosure, which is better understanding of how public funds are spent.

As such, the public interest favours non-disclosure of the information at this time. Therefore in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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**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 10/05/21)