

Thank you for your request for information under the Freedom of Information Act 2000 (FOIA).

You have requested information relating to procurement contract 2015-1119, Framework for the provision of Lot 1 soft Shell Jackets, as follows:

- (1) A copy of the tender submission and winning tenderer
- (2) Copies of emails/memoranda/correspondence/minutes of meetings between the winning tenderer and the Procurement Team relating to this tender and its award

I am contacting you to advise that, after considering your request in detail, we believe that S14(1) of the FOIA applies. Section 14(1) states:

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

The Information Commissioner has issued guidance on the use of S14(1) (link below) and notes:

‘Section 14(1) may be used in a variety of circumstances where a request, or its impact on a public authority, cannot be justified. Whilst public authorities should think carefully before refusing a request as vexatious they should not regard section 14(1) as something which is only to be applied in the most extreme of circumstances.

In cases where the issue is not clear-cut, the key question to ask is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. This will usually be a matter of objectively judging the evidence of the impact on the authority and weighing this against any evidence about the purpose and value of the request. The public authority may also take into account the context and history of the request, where this is relevant.’

Please see the below guidance on vexatious or repeated requests:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/awareness_guidance_22_vexatious_and_repeated_requests_final.pdf

This request captures a number of documents totalling 667 pages taking one individual approximately 13 hours to locate and retrieve which is within the 18 hours allowed under the Freedom of Information legislation. However, the documents would need to be carefully assessed for harm prior to disclosure. An initial assessment has identified concerns relating to commercial interests and personal data and it is apparent that these are scattered throughout the documents and cannot easily be isolated.

Five random pages have been selected and, taking an average of one minute per page, I estimate assessment would take an additional 11 hours (per person) to assess thoroughly for harm. Because of the specialised nature of the information held this would require input from both FOI and procurement staff and would invariably require more than one person to assess the information. Further work would then be required for redaction and the application of exemptions under the FOIA, which again, I estimate would take approximately 11 hours. It is my belief that this would cause a disproportionate and unjustified burden on departments and individuals within this office and in West Yorkshire Police.

The FOIA is designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable but it has been recognised that dealing with some requests can place a strain on resources and interfere with service delivery.

Whilst the Police and Crime Commissioner is committed to transparency in the exercise of his functions I am afraid that in this case the information you have requested is not being provided.

Under Section 16 of the Freedom of Information Act 2000, I have a duty to provide advice and assistance to anyone who has made a request for information. Therefore, please be advised that the redacted version of the winning tender will be published online on the Bluelight Procurement Database within the next 28 days.

I hope you are satisfied with this response, however, should you wish to request an internal review please see the attached appeal policy.