

Freedom of Information Act 2000 request (reference 279)

Request received 24 January 2019:

- VIPER Budget for 2018-2019
- Income generated for PCC from VIPER Business 2018
- Number of police forces that currently engage with VIPER for video parades
- How many video parades were produced in 2018

What is VIPER

The National VIPER® (Video Identification Parade Electronic Parade) Bureau is a bespoke video identification service owned and managed by The Office of the Police & Crime Commissioner for West Yorkshire which provides a range of identification related products and services to the police.

The Office of the Police and Crime Commissioner for West Yorkshire confirms that it does hold the information requested.

Exemptions to disclosure

Section 17 of the Freedom of Information Act 2000 (FOI Act) states that, where a public authority is relying on an exemption under the Act, the applicant must be given a notice which states the fact, specifies the exemption(s) relied upon and states why the exemptions apply.

We consider that the following exemptions apply to the request for information relating to the operation of VIPER:

- S43 Commercial interest

Section 43(2) – Commercial Interests

Section 43(2) states that information is exempt information if its disclosure under the Act would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it).

This exemption is subject to a prejudice and a public interest test.

Prejudice Test

We have applied a 3 part prejudice test which identifies:

1. The commercial interest
2. What the prejudice (harm) is to that interest
3. The likelihood of the prejudice

We have identified the commercial interest as being VIPER's ability to operate effectively in a competitive commercial market.

The prejudice to this commercial interest arises from:

- Harm to VIPER's ability to compete in a competitive commercial market
- Harm to VIPER's commercial operation in terms of being able to identify the business modelling that has been developed by VIPER and by providing all the information required, through a mosaic effect, it would be possible to determine the average fee charged by VIPER for each video parade, the average costs incurred in producing each video parade and also to potentially identify market opportunities

We are required to consider the level of likelihood of the prejudice being relied upon. In view of the fact that VIPER is competing in a relatively small market with few competitors and a fixed number of police forces (the customer base), provision of the information requested - which is a disclosure to 'the world' and also, therefore to VIPER's competitors - would result in prejudice to VIPER's commercial interest.

Public Interest Test

Factors in favour of disclosure include a general transparency around how a publicly funded service operates commercially.

Factors against disclosure are as follows:

- Providing the information requested could affect VIPER's ability to compete in the market place
- There is a limited market for the service that VIPER offers and providing the information requested would cause a real and significant risk of prejudice to VIPER's commercial interest (see prejudice test)
- To prevent harm to VIPER's commercial interests

Response

It has been determined that the factors against disclosure, namely the risk of commercial harm, outweigh those in favour of disclosure.

Review Rights

If you consider that your request for information has not been handled properly, you can ask for an internal review of our decision. I have attached a copy of our appeals policy which explains how to submit an appeal and who will consider it.