

Reference: 01406141

Eleanor Scott  
Information Rights Advisor  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

4 February 2022

## Freedom of Information: Right to know request

Thank you for your request for information relating to leadership training for hybrid working. We received this request on 7 January 2022 and have considered it under the Freedom of Information Act 2000 (the Act).

### Our response

You asked:

1. *What are the contractual performance KPI's for this contract?*

The KPI's are part of the supplier's tender, which is being withheld as we consider disclosure of this information is exempt under section 43 of the Act. This provision in the Act deals with the exemption of information that would, or would be likely to, prejudice the commercial interests of a person or company. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

You may find it useful to refer to the attached document which outlines the overall aims of the proposed project.

2. *Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages*

A one stage process was followed. The successful tender was Steps Drama Learning Development Limited however we are unable to disclose any information on any supplier that was not successful. We consider that this information is exempt from disclosure under section 43 of the Act. This provision in the Act deals with the exemption of information that would, or would be likely to, prejudice the commercial interests of a person or company. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

3. *Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date*

The value of the contract can be found on the [contract finder website](#). There have been no payments due yet.

4. *Start date & duration of framework/contract?*

This information is publicly available on the [contracts finder website](#).

5. *Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?*

Please see attached document.

6. *Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?*

No

7. *Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?*

No

8. *Will there be any further requirements for work related to this nature?*

Unknown

9. *Who is the senior officer (outside of procurement) responsible for this contract?*

This information contains personal data and as such we consider that the information is exempt from disclosure under the Act. In particular, section 40(2) of the Act provides that personal data which relates to persons other than the requester is exempt where, amongst other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. Those principles include that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the Act and does not require a public interest test.

I hope this information is helpful. If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Eleanor Scott

Annex 1

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|---|---|
| <b>Section 43 – where information, if disclosed, would, or would be likely to, prejudice the commercial interests of a company</b>  |   |
| <b>Factors for disclosure</b>   | <b>Factors for withholding</b>  |
| <ul style="list-style-type: none"> <li>Enabling the public to gain a better understanding of the commercial relationships between Ofcom and its suppliers and facilitating transparency in the procurement process. This would increase public confidence in Ofcom’s work.</li> </ul>   | <ul style="list-style-type: none"> <li>Specific companies are identifiable and releasing such information would, or would be likely to, affect their ability to conduct their business activities. Therefore, their commercial interests would, or would likely be prejudiced.</li> </ul> |
| <b>Reasons why public interest favours withholding information</b>  |   |
| <ul style="list-style-type: none"> <li>Ofcom enjoys a positive relationship with those companies it contracts with and companies that take part in the procurement processes. The release of this information into the public domain would impair these relationships and would affect supplier’s confidence in Ofcom’s ability to maintain their commercial interests. Ofcom has published some information about the services being contracted for on the Government’s contracts finder website.</li> </ul> |   |

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire

SK9 5AF