

Reference: 01453617

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Freedom of Information: Right to know request

Thank you for your request for information about Ofcom's contract register.

We received this request on 10 May 2022 and have considered it under the Freedom of Information Act 2000. We wrote to you explaining we needed more time to consider where the public interest lay in withholding or disclosing the information. We have now concluded our consideration.

Your request

You asked:

I would like to submit a request for some information from the organisation, in relation to their contract's register.

The FULL contract register should display all the organisations existing/live contracts I would like the register to display the following columns/headings:

- 1. Contract Reference -Unique reference number associated with the contract.*
- 2. Contract Title*
- 3. Procurement Category –Please state the category name of the contract, I wish to know the category the contract is under.*
- 4. Supplier Name*
- 5. Spend (Total, Annual or contract value)*
- 6. Contract's Duration*
- 7. Contract's Extensions*
- 8. Contract's Start Date*

9. Contract's Expiry Date

10. Contract Description [Please provide me with as much detail as possible.]

11. Contact Owner (Person that manages the contract register)

12. CPV codes/Pro-Class

Contract Data/API Contact Details

1. Can you also provide me with contact details of the person responsible for the actual contract's register or someone responsible for API? [Name, Job Title, Telephone, Email Address] At the very least provide me with their actual job title.

(Meaning of API "a set of functions and procedures that allow the creation of applications which access the features or data of an operating system, application, or other service.")

IMPORTANT

1. If the organisation has a CRM system or a similar system, there should be a facility to download and extract contract data.

2. You may forward me a Weblink to a portal to download the contract register, please make sure all the organisation's contracts are provided as doing prior research I have found that most organisations have only uploaded a small portion of all their contracts.

3. For those organisations planning to make an exemption around spend, the spend information I have requested is an overall figure and I am not requesting a complete breakdown of services relating to the spend.

Please provide me with the contract's register file in an excel format.

Our response

Ofcom does not hold the information requested at items 3, 6, 10, 11 and 12.

We are able to provide you with some of the information you have requested, specifically for the following categories:

- 1. Contract Reference
- 2. Contract Title
- 4. Supplier Name
- 7. Contract Extensions
- 8. Contract Starting Date
- 9. Expiration Date

We have attached a spreadsheet setting out the above information.

Ellie Cowell, Head of Commercial, is the person responsible for Ofcom's contracts register and is contactable on 020 7981 3000 or via email: ellie.cowell@ofcom.org.uk.

We have withheld the above categories of information where it relates to contracts regarding cyber security or Ofcom's Spectrum functions as this information is exempt under section 31(1)(a) of the Act for reasons related to the prevention of crime. We have also withheld information where it is exempt under section 40 of the Act as the information relates to the personal data of individuals.

With respect to item 5 of your request (supplier spend (total, annual or contract value)), we consider that this information is exempt under section 43(2) of the Act on the basis that disclosure of this information would, or would be likely to, prejudice the commercial interests of any person (including an individual, a company, Ofcom itself or any other legal entity).

Both of the exemptions under section 31(1)(a) and 43(2) are qualified exemptions, which means that we have to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information.

The Annexes attached to this letter set out the above exemptions in full, as well as the public interest considerations for and against disclosure of the information you requested.

Publicly available procurement and financial information

Information about supplying Ofcom, including our Procurement Overview document (setting out our approach) is available on our website at: <https://www.ofcom.org.uk/about-ofcom/supplying-ofcom>.

We publish contracts awarded on the [Contracts Finder](#) website, and procurements and contracts awarded above threshold are also published on the Find a Tender service on the UK Government [website](#).

As there are no relevant open procurements, you will have to filter your search results to include "closed" and "awarded" notices to view Ofcom's published contracts.

Past tender opportunities can also be found on our e-tendering portal BravoSolution, however, it should be noted that this only displays the opportunity but not the supplier that the contract was awarded to, or the contract value.

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Katherine Childs

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.

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. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire

SK9 5AF

Annex A

<p>Section 31(1) of the Act:</p> <p><i>“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –</i></p> <p><i>(a) the prevention or detection of crime;”</i></p>	
<p>Factors for disclosure</p>	<p>Factors for withholding</p>
<ul style="list-style-type: none"> • Open policy making and public confidence in regulated activities. • Enabling the public to gain a better understanding of how Ofcom performs its functions 	<ul style="list-style-type: none"> • Disclosure of information about suppliers and services related to Ofcom’s ICT systems and Spectrum functions may aid malicious parties in determining any vulnerabilities in Ofcom’s systems to tailor attacks accordingly. Release of this information will prejudice the prevention of crime by facilitating the possibility of a criminal offence being carried out. Hacking into an ICT system is a criminal offence. • The consequences of a successful attack include loss of confidentiality as the hackers could potentially access information we hold from third parties such as stakeholders, government, individuals etc.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • Disclosure of such information about services and suppliers related to Ofcom’s ICT systems and Spectrum functions may assist malicious parties in developing strategies to attack the systems. The consequences of a successful attack are significant and include the loss of confidential and commercially sensitive information. This would impair trust and confidence in Ofcom as an effective regulator and impair our ability to carry out our functions. • In applying this exemption, we have also taken account of the real and significant risk of prejudice occurring from the requested information being put together with other information already in the public domain 	

Annex B

Section 43(2) of the Act:

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

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> Enabling the public to gain a better understanding of the commercial relationships between Ofcom and its suppliers and the nature and cost of the services provided, and thereby increasing public confidence in Ofcom’s work. 	<ul style="list-style-type: none"> Ofcom continues to procure contracts like those related to this request. To release commercially sensitive information in these contracts such as the overall spend (total, annual or contract value) or breakdown of services relating to the spend would put us in a detrimental position for future procurements and could result in fewer tender submissions being received if suppliers were not confident that their commercial and competitive advantage were to be maintained.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> Ofcom enjoys a positive relationship with those companies it contracts with. The release of information which would, or would be likely to, prejudice commercial interests would impair Ofcom’s commercial relationships with suppliers and Ofcom’s commercial activity if suppliers could not be confident that such information would be withheld from disclosure. Similarly, Ofcom’s ability to obtain value for money in services it contracts for, may be undermined in future procurements if details of contract spend were disclosed. We consider that, on balance, the potential prejudice to commercial interests outweighs the public interest in disclosure of spend information, given the limited contribution of this information in enabling the public to better understand how Ofcom performs its functions in this context. 	