

Reference: 01468989

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22 July 2022

### Freedom of Information: Right to know request

Thank you for your request for information about Ofcom's devices and expenditures. We received this request on 24 June 2022 and have considered it under the Freedom of Information Act 2000 (the "FOI Act").

### Your request

You asked:

*Under the Freedom of Information Act, I would request you to respond to questions included in the attachment.*

*For any reason if you are unable to open the attachment do let me know. I can then send the questions within the email itself.*

*Please note: If you do not have records relating to the questions in the attachment, please pass on this request to your IT department to provide us with the required information.*

### Our response

I can confirm that Ofcom does hold information within scope of your request. Please see the attached spreadsheet which contains some of the requested information.

We are unable to provide information related to indicative or projected expenditure. We consider that this information is exempt from disclosure under section 43(2) of the FOI Act. This is on the basis that disclosure of this information would, or would be likely to, prejudice the commercial interests of Ofcom as the public authority.

Section 43(2) is a qualified exemption, 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 attached Annex A to this letter sets out the exemption in full, as well as the public interest considerations for and against disclosure of the information you requested.

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,

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](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. 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><b>Section 43(2) of the Act:</b></p> <p><i>“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)”</i></p>	
<p><b>Factors for disclosure</b></p>	<p><b>Factors for withholding</b></p>
<ul style="list-style-type: none"> <li>• Enabling the public to gain a better understanding of the nature and cost of the services and equipment Ofcom buys, and thereby increasing transparency.</li> </ul>	<ul style="list-style-type: none"> <li>• Ofcom continues to procure contracts for the provision of equipment like those related to this request. To release commercially sensitive information such as indicative or projected expenditure would put us in a detrimental position for future negotiations or procurements.</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p>	
<ul style="list-style-type: none"> <li>• Ofcom publishes information on its annual expenditure in its <a href="#">annual reports</a> (see specifically the section on “Financial Statements”). Ofcom’s ability to obtain value for money in services it contracts for, would be undermined in future procurements if details of indicative or projected expenditure of the items listed (e.g. Multi Functional Devices, laptops, phones etc) were disclosed. 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.</li> </ul>	