

Reference: 01516704

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### Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom's ICT contracts. Your request was received on 12 October 2022 and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

#### Your request & our response

*This is a request for information that relates to the organisation's contracts around ICT contract(s) for Server Hardware Maintenance, Server Virtualisation Licences and Maintenance and Storage Area Network (SAN) Maintenance/Support, which may include:*

- *Server Hardware Maintenance- contracts relating to the support and maintenance of the organisation's physical servers.*
- *Virtualisation Maintenance/Support/ Licensing (VMware, Solaris, Unix, Linux, Windows Server)*
- *Storage Area Network Maintenance/Support (EMC, NetApp etc)*

*For each of the type of contract described above, please can you provide me with the following data. If there is more than one contract, please split the information for each separate supplier this includes annual spend*

**1. Contract Title:** *Please provide me with the contract title.*

Server Hardware Maintenance Agreement.

Server Virtualisation Licences – N/A.

SAN Maintenance and Support Agreement.

**2. Type of Contracts (ABOVE):** *Please can you provide me with one or more contract types the contract relate to: Server Hardware, Virtualisation, SAN (Storage Area Network)*

Server Hardware Maintenance and SAN Maintenance Agreement.

**3. Existing/Current Supplier:** *Please provide me with the supplier's name for each contract.*

Both contracts are provided by Specialist Computer Centres PLC.

**4. Brand:** *Please state the brand of hardware or software*

The information you requested is being withheld as we consider that it is exempt from disclosure under section 31(1)(a) of the FOI Act. This part of the act deals with information that, if disclosed, would, or would be likely to, prejudice the prevention or detection of crime.

Section 31(1)(a) of the FOI Act is a qualified exemption which means that we have had 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 the public interest favours withholding the information.

The attached Annex A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

**5. Operating System / Software (Platform):** *(Windows, Linux, Unix, vSphere, AIX, Solaris etc.) Please state the operating system used by the organisation.*

Exemption as above - section 31(1)(a) of the FOI Act.

**6. Annual Average Spend:** *Please provide me with the most recent annual spend for this contract?*

We consider that this information is exempt from disclosure under section 43(2) of the FOI Act. This exemption deals with information that, if disclosed, would, or would be likely to, prejudice the commercial interests of any person including the public authority holding it. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. In this case, we consider that the public interest favours withholding the information.

The attached Annex B to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

**7. Contract Duration:** *(Please can you also include notes if the contract includes any contract Extension periods.)*

Server Hardware – 12 months, no extensions.

SAN Maintenance 36 months, no extensions.

**8. Contract Expiry Date:** *Please can you provide me with the date of when the contract expires.*

Server Hardware – Q2 2023, SAN Maintenance Q1 2023.

**9. Contract Review Date:** *(An approximate date of when the organisation is planning to review this particular contract.)*

No review is necessary as these contracts will not be required after expiry.

**10. Purchase of Servers:** *Could you please provide me with the month and year in which most/bulk of servers were purchased.*

Servers have been purchased at various times as and when required. The bulk being purchased before 2016.

**11. Number of Physical Server:** *Please can you provide me with the number of physical servers.*

46 Physical servers.

**12. Number of Virtual Servers:** Please can you provide me with the number of Virtual servers' servers.

369 Virtual servers.

**13. Brief Contract Description:** I require a brief description of the service provided under this contract. Please do not just put maintenance. I need at least a sentence.

The server maintenance contract covers hardware replacement/break fix only. 4 hour response, next business day fix. Engineer to site or remote support as required.

The SAN maintenance covers onsite repair, same day On-site Response, 24 x 7 365 days.

**14. Contract Owner:** (The person from within the organisation that is responsible for reviewing and renewing this particular contract. Please include their full name, job title, direct contact number and direct email address.)

The procurement team. Email: [procurement@ofcom.org.uk](mailto:procurement@ofcom.org.uk)

If this service is part of a managed contract, please can you send me the contract information for this managed service including Hardware Brand, Number of Users, Operating System, and contact details of the internal contact responsible for this contract.

N/A

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely

Zach Westbrook

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 31 (1) of the FOI Act provides that:</b></p> <p><b>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 –</b></p> <p><b>(a) the prevention or detection of crime;</b></p>	
Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>• Disclosure would promote general transparency with the public in relation to the products/services Ofcom use, especially since these relate to ICT, and thereby increasing public confidence in how Ofcom carries out its work.</li> </ul>	<p>Disclosure of detailed information about Ofcom’s IT systems may aid malicious parties to attack the systems concerned. Release of this information will prejudice the prevention of crime by facilitating the possibility of a criminal offence being carried out. Hacking into an IT system is a criminal offence.</p>
<p><b>Reasons why public interest favours withholding information</b></p>	
<ul style="list-style-type: none"> <li>• We consider that, on balance, the public interest in withholding disclosure of the requested information outweighs the public interest in disclosing the information.             <ul style="list-style-type: none"> <li>• Disclosure of detailed information about Ofcom’s IT systems could be used by offenders to hack into our systems. It is in the public interest for this not to happen to protect Ofcom against a potential cyber-attack so that Ofcom can carry on its work. The more specific any information is, the more useful it may be to an attacker.</li> <li>• The consequences of any successful attack on Ofcom’s systems are significant. They include loss of confidential and commercially sensitive stakeholder and government information and access to it by third parties. This would also impair trust and confidence in Ofcom as a regulator and impact our ability to carry out our functions.</li> </ul> </li> </ul>	

**Annex B**

**Section 43(2) of the FOI Act provides that:**

**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"> <li>• Enabling the public to gain a better understanding of the commercial relationships between Ofcom and its suppliers and the nature of the services provided, and thereby increasing public confidence in Ofcom’s work.</li> <li>• Generally, there is a public interest in transparency of expenditure, especially if public money is involved.</li> </ul>	<ul style="list-style-type: none"> <li>• Ofcom contracts with a number of companies and has a financial relationship with them. Companies need to be confident that information relating to their business, such as information about them as an organisation or relating to their products or services, will not be disclosed if it would, or would be likely to, prejudice their commercial interests.</li> <li>• Ofcom continues to negotiate and require contracts like those related to this request. To release the cost would put Ofcom in a detrimental position for future contract negotiations and would undermine its bargaining position with potential suppliers. In addition, to release the amount Ofcom pays for a service could prejudice the commercial interests of the supplier – in that it would provide details of the supplier’s commercial relationships to its competitors or potential clients.</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p>	
<ul style="list-style-type: none"> <li>• We consider that, on balance, the public interest in withholding disclosure of the requested information outweighs the public interest in disclosing the information.</li> <li>• 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 into the public domain would impair both Ofcom’s relationship with providers of services, and adversely affect its commercial relationships with other contractors. If contractors could not be confident that such information provided by them to Ofcom would be withheld from disclosure, except in compelling circumstances, commercial activity may be impeded. Similarly, Ofcom’s bargaining position, and therefore ability to obtain value for money in services it contracts for, may be undermined in future negotiations if full details about the cost of these services were disclosed. These considerations go against the public interest in disclosing.</li> <li>• Weighing the issues presented, it is considered that on balance, the factors for withholding the requested information outweigh those for disclosing the information.</li> </ul>	