

Reference: 01509972

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8 November 2022

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

Thank you for your request for information concerning Ofcom's Local Area Network. Your request was received on 23 September 2022 and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act'). We wrote to you on 19 October 2022 to say we needed more time to consider the public interest in disclosing or withholding the information, which we have now concluded.

### Your request & our response

*Please can you send me the organisation's Local Area Network (LAN) contract, which may include the following:*

- *Support and Maintenance- e.g. switches, router, software etc*
- *Managed- If this includes services than just LAN.*

The LAN contract forms part of a larger contract for services and it contains commercially sensitive information. We consider that disclosure of this contract is exempt under section 43 of the FOI Act. Information is exempt under this provision if its disclosure would, or would be likely to, prejudice the commercial interests of any person including the public authority holding it – in this case Ofcom.

Section 43(2) of the FOI Act 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 factors Ofcom considered when deciding where the public interest lay.

We also consider that other exemptions may apply to some of the information contained within the contract such as that set out in section 31 of the FOI Act.

We have however provided some information below that relates to the contract.

#### *1. Contract Type: Managed or Maintenance*

Managed.

*2. Existing Supplier: Who is the current supplier?*

Coforge Limited.

*3. Annual Spend for each supplier: What is the annual average spending on the supplier above? If there is more than one supplier, please split the annual averages spent for each supplier.*

The information you requested is being withheld as we consider that its disclosure is exempt under section 43(2) of the FOI Act. For further information on this exemption and our considerations, please see our response above regarding the provision of a copy of Ofcom's LAN contract and Annex A.

*4. Number of Users: Please can you provide me with the number of users this contract covers. Approximate number of users will also be acceptable.*

Approximately 1,500 users.

*5. Number of Sites: The number of sites, where equipment is supported by each contract.*

The contract covers 10 sites.

*6. Hardware Brand: What is the hardware brand of the LAN equipment?*

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

Section 31(1)(a) 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 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 Description: Please provide me with a brief description of the overall contract.*

The LAN support is part of our Information and Communication Technology Services contract with Coforge Ltd.

*8. Contract Duration: What is the duration of the contract is and can you please also include any extensions this may include.*

The contract went live in Q1 2022 and lasts 4 years with the option to extend for up to two more years.

*9. Contract Expiry Date: When does the contract expire?*

See response to Question 8.

*10. Contract Review Date: When will the organisation be planning to review the contract?*

The organisation will review the contract approximately 12-18 months before it expires.

*11. Responsible Officer: Contact details including name, job title, contact number and email address?*

Head of Supplier Management. Email: procurement@ofcom.org.uk

*If the LAN maintenance is included in-house please include the following information:*

*1. Hardware Brand: What is the hardware brand of the LAN equipment?*

N/A

*2. Number of Users: Please can you provide me with the number of users this contract covers. Approximate number of users will also be acceptable.*

N/A

*3. Number of Sites: Estimated/Actual number of sites the LAN covers.*

N/A

*4. Responsible Officer: Who within the organisation is responsible for LAN please provide me with contact details including name, job title, contact number and email address?*

N/A

*If the contract is managed by a 3rd party e.g. Can you please provide me with*

*1. Existing Supplier: Who is the current supplier?*

*As above.*

*2. Number of Users: Please can you provide me with the number of users this contract covers. Approximate number of users will also be acceptable.*

*As above.*

*3. Number of Sites: Estimated/Actual number of sites the LAN covers.*

*As above.*

*4. Contract Type: Managed, Maintenance, Installation, Software*

*As above.*

*5. Hardware Brand: What is the hardware brand of the LAN equipment?*

*As above.*

*6. Contract Description: Please provide me with a brief description of the overall contract.*

*As above.*

*7. Contract Duration: What is the duration of the contract is and can you please also include any extensions this may include.*

*As above.*

*8. Contract Expiry Date: When does the contract expire?*

*As above.*

*9. Contract Review Date: When will the organisation be planning to review the contract?*

*As above.*

*10. Responsible Officer: Who within the organisation is responsible for each of these contract(s) please provide me with contact details including name, job title, contact number and email address?*

As above.

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**

**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**

- 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.
- Generally, there is a public interest in transparency of expenditure especially where public funds are involved.

**Factors for withholding**

- Ofcom’s ability to carry out its corporate functions in an effective way requires LAN services and Ofcom needs to be confident that disclosure of information about those services will not negatively impact on Ofcom’s ability to carry out its corporate functions.
- Ofcom continues to negotiate and require contracts like those related to this request. 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 contractors. Additionally, releasing this information would put Ofcom in a detrimental position for future contract negotiations and would undermine its bargaining position with potential suppliers.

**Reasons why public interest favours withholding information**

- Ofcom’s ability to carry out its corporate functions in an effective way requires LAN services and Ofcom needs to be confident that disclosure of information about those services will not negatively impact on Ofcom’s ability to carry out its corporate functions.
- Ofcom continues to negotiate and require contracts like those related to this request. To release contract copies and/or details of 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 contractors.
- The weight attached to the public interest in disclosing is fairly limited, in comparison to the weight attached to avoiding the prejudice which would be caused by disclosure, in view of the limited contribution that the information would make to enabling the public to understand how Ofcom performs its functions in this context.

**Annex B**

**Section 31 (1): 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 –**

(a) the prevention or detection of crime;

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>Enabling the public to have greater transparency from Ofcom as a public body.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p>	
<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>	