

Date: 11th November 2020

Our Reference: FOIA-2020-129

RE: Your request for information under the Freedom of Information Act 2000

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated **22/10/2020** in which you requested:

“Can you please provide me of contact information including name, job title, email address and direct dial telephone number for the person who are involved in decision making around the procurement of services relating to software solutions (Eg Procurement, IT, Sustainability roles).”

On **04/11/2020** you provided clarification that 'software solutions' should include:

- Procurement
- ICT
- IT
- Cyber
- Software
- Systems.

Decision

When a request for information is made under the FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

In line with section 1(1) of the FoIA 2000, **we can confirm that the College holds some information** within the scope of your request.

Before we provide any information held, please find a contextual explanation of the decision making process at the College. General, pre-existing software the college uses, includes products such as: Adobe, Microsoft etc. These are approved by the IT infrastructure Manager.

In regards to specific work projects, any team in the college could potentially start a piece of work that would involve the purchase of software. Depending on what it is, and the amount of the spend, it would

go through a process of evaluation to ensure they product is correct, prior to being purchase via existing or new contracts. For these specific purchases, the team requesting the software may change, but Procurement will always be involved in the process if the value of the contract is over £10,000, to ensure procurement rules are being complied with.

So in summary, the decision making varies depending on the requirement, for example:

- New Procurement System – would have to be approved by Procurement
- New Service management tool – Would have to be approved by Customer Services
- New Antivirus Software – Would have to be approved by the IT infrastructure Manager
- New Exams and assessment software – Would have to be approved by Exams and Assessments.

Contact details of those involved in decision making in relation to Procurement, ICT, IT, Cyber, Software, and Systems:

Information held.

David Wilson is the IT Procurement and Contract manager at the College of Policing, David is involved in decision making in relation to **procurement** software solutions. His email address is:

David.Wilson@college.pnn.police.uk

His direct telephone number will be withheld under the section 40(2) – Personal information exemption.

Mark Leng is the IT Infrastructure Services Manager at the College of Policing, Mark is involved in decision making in relation to **ICT, IT, cyber, security, and software** solutions. His email address is:

Mark.Leng@college.pnn.police.uk

His direct telephone number will be withheld under the section 40(2) – Personal information exemption.

Please find an explanation of the exemption applied, below; your rights are provided at the bottom of this letter.

Yours sincerely,

Kate Kaufman | Legal Researcher
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Section 40(2) – Personal Information

Section 40(2) FoIA states:

“Any information to which a request for information relates is also exempt information if-

- (a) It constitutes personal data which do not fall within subsection (1), and
- (b) Either the first or the second condition below is satisfied.”

Essentially, under section 40(2) FoIA (by virtue of section 40(3A)), personal data of a third party can be withheld if any of the data protection principles would be breached by disclosing that data. Personal data is defined in section 3(2) of the Data Protection Act 2018 (DPA) as being:

“Any information relating to an identified or identifiable living individual”.

Section 3(3) DPA defines an identifiable living individual as:

“a living individual who can be identified, directly or indirectly, in particular by reference to –

- (a) an identifier such as a name, an identification number, location data or an online identifier, or

Under section 40(2), we have withheld both telephone numbers, as we believe releasing these would have led to the direct identification of both named employees.

The data protection principles are provided under Article 5 of the General Data Protection Regulations 2018 (GDPR). Article 5(1)(a) states that personal data shall be: “processed lawfully, fairly and in a transparent manner in relation to the data subject”. We are committed to openness and transparency and recognise the wider public interest in full disclosure of employee information. However, we also have a legal duty to ensure that the rights to privacy of individuals are protected and we do not believe that it would be fair to disclose the requested information.

We consider that the disclosure of an email address and telephone number, in these circumstances, would not be fair, lawful or transparent and would therefore breach the first data protection principle under Article 5(1) (a) GDPR.

Your right of review

Under the Freedom of Information Act 2000 you have a right to request an internal review if you are dissatisfied with our handling of your request. Review requests should be made in writing (by email or post) within **40 working days** from the date of our original response. We will aim to respond to your review request within **20 working days**.

The Information Commissioner's Office (ICO)

If, after lodging a review request you are still dissatisfied, you may raise the matter with the ICO. For further information you can visit their website at <https://ico.org.uk/for-the-public/official-information/>. Alternatively, you can contact them by phone or write to them at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113