

Reference: 01843344

Information Requests
information.requests@ofcom.org.uk

9 August 2024

Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom's Contract Register, Procurement Strategy, and Contact Details.

We received this request on 26 June 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act"). We wrote to you on 24 July 2024 to say we needed more time to consider the public interest in withholding or disclosing the information you have requested. We have now concluded that consideration.

Your request

"I am writing to submit a Freedom of Information request for information related to the organisation's contracts register, procurement strategy document, and contact details. Please find the detailed requests below:

1. Contract Register Request:

I am seeking the full and entirety of the organisation's contract register or database. The register should include the following columns/headings or something similar:

- *Contract Reference -Unique reference number associated with the contract.*
- *Contract Title*
- *Procurement Category –*
- *Supplier Name*
- *Spend (Total, Annual or contract value)*
- *Contract Duration*
- *Contract Extensions*
- *Contract Start Date*
- *Contract Expiry Date*
- *Contract Description [Please provide me with as much detail as possible.]*
- *Contact Owner (Person that manages the contract register)*
- *Contact details of section 151 officer*
- *CPV codes/Pro-Class*
- *How many contracts are currently held on the contract register*

If any of the headings within your contract register has not been provided, please state this within your response.

Please provide the contract's register file in Excel format.

2. Procurement Strategy Document Request:

- Can the organisation provide a full version of their Procurement Strategy for the fiscal year 2024-2025?*
- If the Procurement Strategy is a strategic direction (2022-2025) instead of an annual plan, please provide an update document for 2023-2024. If an update cannot be provided, please provide information on when an update is planned to be published.*
- We require the full document. If any parts of this document have been removed, please state this within your response.*

3. Contact Details Request:

- Provide contact details of the person responsible for API or data sharing, including [Name, Job Title, Telephone, Email Address].*
- Provide contact details of the person responsible for the actual contract's register, including [Name, Job Title, Telephone, Email Address].*

IMPORTANT:

- 1. If the organisation has a CRM system or a similar system, ensure there is a facility to download and extract contract data.*
- 2. If providing a weblink to a portal, ensure that all contracts are included, as some organisations may only upload a small portion of their contracts.*
- 3. For organisations planning to make an exemption around spend, clarify that the spend information requested is an overall figure, and a complete breakdown is not required.*

Please provide the contract's register file in Excel format."

Our response

Ofcom does not hold a procurement strategy document.

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

- Contract Reference – Unique reference number associated with that contract.
- Contract Title
- Supplier Name
- Contract Extensions
- Contract Start Date
- Contract Expiry Date

There are 276 contracts. We have attached a spreadsheet setting out information relating to 186 of Ofcom's live contracts. The spreadsheet does not include information on contracts relating to ICT, cyber security or Ofcom's Spectrum functions as we consider this information is exempt from disclosure under section 31(1)(a) of the FOI Act for the reasons related to the prevention of crime.

We do not hold information regarding "Procurement Category", "Contract Description" or "CPV codes/Pro-Class".

We are unsure what you mean by "Provide contact details of the person responsible for API or data sharing, including [Name, Job Title, Telephone, Email Address]", however, please note that generally we would not be able to disclose personal details of individual Ofcom colleagues where such information is exempt from disclosure under Section 40(2) of the FOI Act. Section 40(2) provides that personal information about persons other than the requestor is exempt where its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. This includes the principle that personal data must be processed fairly and lawfully. Section 40 is an absolute exemption under the FOI Act and does not require a public interest test.

In regard to your request for contract information concerning spend (total, annual or contract value), we have included the contract value where that value is already in the public domain, for example where the contracts are on Contracts Finder, Find a Tender Service or the OJEU Tenders Electronic Daily. The remaining contract values have been redacted as we consider that this information is exempt under section 43(2) of the FOI 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). Redactions are indicated with [X].

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 approach, is available on our website at: [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](#).

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.

We hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).

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>	
Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Transparency and public confidence in regulated activities. • Enabling the public to gain a better understanding of which services Ofcom procures and generally also enable them to understand 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.
Reasons why public interest favours withholding information	
<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

<p>Section 43(2) of the Act:</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>Factors for disclosure</p>	<p>Factors for withholding</p>
<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"> • 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. • 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. • There are some contracts which may be one-off contracts, however, Ofcom may want to make a similar purchase in the future. Therefore, Ofcom would not want a current contract value to influence a supplier to not providing a true market cost for their services/goods. • 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>	

- 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.