



University of East Anglia

Information Services Directorate

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[REDACTED]

29 January 2016

Dear [REDACTED]

Freedom of Information Act 2000 – Information Request (Our file: FOI_16-011)

We have now considered your request of 13 January 2016 for information relating to the organisation's telephone system maintenance contract (VOIP or PBX, other) for hardware and software maintenance and support. Our response is on pages 4-5 of this letter, together with a copy of your request, and we hope this will meet your requirements.

Unfortunately, it is not possible on this occasion to supply all the requested information. The Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to part of your request.

Exemption	Reason
s.43(2), Commercial interests	Disclosure of information will be likely to prejudice the commercial interests of a person as defined by the Act

Exemption explanation

In regards the application of section 43(2), it is our belief, supported by direct evidence provided by Unify, that the release of the average spend by UEA on services provided by Unify over the past three (3) years would or would be likely to, prejudice the commercial interests of a party; in this case Unify themselves.

The Information Commissioner's Office has established a multi-criteria test for assessing whether a section 43(2) exemption applies¹ and we address each criterion in turn.

The first criterion is whether the information relates to, or could impact on a commercial activity. The sale and purchase of IT infrastructure the associated support and maintenance of that infrastructure is undoubtedly a commercial activity.

¹http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/AWARENESS_GUIDANCE_5_V3_07_03_08.ashx

The second criterion is whether the commercial activity is conducted in a competitive environment. The University must obtain the best deal for its IT-related products and services, and there are many companies seeking to provide those products and services who are required to compete against one another to win the University's business.

The next criterion is whether the information is commercially sensitive. The average annual expenditure for services provided by Unify would, or would be likely to, reveal information about the pricing model of Unify and in this competitive environment, the pricing structure of competitors is crucially important.

The next criterion is whether there will be damage to the commercial interests of Unify. Under FOI, release to one requester can be considered as release to the world. Flowing directly from the commercial sensitivity of the requested information is the fact that use of such information by competitors would put Unify at a distinct disadvantage in any upcoming tendering process. We have consulted with Unify and have been directly informed by them that they feel that (a) the average annual price would certainly be of interest to their competitors and that (b) their competitors may be able to gauge their pricing strategy or profit margin from that information.

The final criterion is the likelihood of such prejudice occurring. Given the commercial sensitivity of the information and the competitive nature of this area, we are confident that there is a strong possibility that this information would be used, and that the prejudice would occur.

Public Interest Test

A public interest test² must be applied to the exemption for prejudice to commercial interests. There is no doubt that there is a legitimate public interest in knowing the amount and way in which public monies are spent in this respect, both to further the transparency and accountability of public authority activities.

However, there is also a clear public interest in ensuring there is fair competition for public sector contracts and in protecting the ability of institutions to compete on a level playing field. Any distortion of what is currently a blind tendering process has the potential effect of raising costs to the public sector which would not be in the public interest.

Revealing the average annual expenditure will not increase understanding of the tendering process, nor will it lead to improved or more numerous bids being submitted in the future. On balance, we believe the public interest lies in maintaining the current blind tendering process for these IT contracts.

You have the right of appeal against this decision. If you wish to appeal, please set out in writing your grounds of appeal and send to me at the address noted in the heading to this letter.

You must appeal our decision within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

You also have a subsequent right of appeal to the Information Commissioner whose [contact details](#)³ can be found on their website.

Please quote our reference given at the head of this letter in all correspondence.

²http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/the_public_interest_test.ashx

³ https://ico.org.uk/Global/contact_us

Yours sincerely

David Palmer
Information Policy and Compliance Manager
University of East Anglia

Response to Freedom of Information Act 2000 request (FOI_16-011)

Please can you send me the following contract information with regards to the organisation's telephone system maintenance contract (VOIP or PBX, other) for hardware and Software maintenance and support:

1. *Contract Type: Maintenance, Managed, Shared (If so please state orgs)*
The contract type is a managed solution with local administration.
2. *Existing Supplier: If there is more than one supplier please split each contract up individually.*
The existing supplier is Unify, formerly Siemens Communications.
3. *Annual Average Spend: The annual average spend for this contract and please provide the average spend over the past 3 years for each provider*
[Information exempted pursuant to s.43(2), Freedom of Information Act]
Release of requested within this question would, or would be likely to, prejudice the commercial interests of UEA for the reasons outlined in the letter above.
4. *Number of Users:*
There are 4,000 DDIs of which around 3,600 handsets are deployed.
5. *Hardware Brand: The primary hardware brand of the organisation's telephone system.*
The brand of the exchange is Unify.
6. *Application(s) running on PBX/VOIP systems: Applications that run on the actual PBX or VOIP system. E.g. Contact Centre, Communication Manager.*
VoIP provides basic telephony services, including switchboard which is via the Concierge platform, and, within the contract, we have a NetCall Liberty voicemail system providing message taking and auto-attendant features.
7. *Telephone System Type: PBX, VOIP, Lync etc*
VoIP.
8. *Contract Duration: please include any extension periods.*
The contract runs from 1st November 2015 on a three year term.
9. *Contract Expiry Date: Please provide me with the day/month/year*
The contract expiry date is 31 October 2018.
10. *Contract Review Date: Please provide me with the day/month/year.*
The contract renewal date is 01 November 2017

11. *Contract Description: Please provide me with a brief description of the overall service provided under this contract.*

The contract provides for proactive support and repair of the core telephony platform along with the supply of handsets. The system is locally administered and handsets are configured on-site. The contract also includes the provision of a third party voicemail service, in this case NetCall's Liberty solution.

12. *Contact Detail: Of the person from with the organisation responsible for each contract full Contact details including full name, job title, direct contact number and direct email address.*

The service owner of this contract is Peter Andrews, Head of Networking. 01603 593804, p.andrews@uea.ac.uk.

If the service support area has more than one provider for telephone maintenance then can you please split each contract up individually for each provider.

If the contract is a managed service or is a contract that provides more than just telephone maintenance please can you send me all of the information specified above including the person from with the organisation responsible for that particular contract.

If the maintenance for telephone systems is maintained in-house please can you provide me with:

1. *Number of Users:*

Not applicable – see response to question 1 above.

2. *Hardware Brand: The primary hardware brand of the organisation's telephone system.*

Not applicable – see response to question 1 above.

3. *Application(s) running on PBX/VOIP systems: Applications that run on the actual PBX or VOIP system. E.g. Contact Centre, Communication Manager.*

Not applicable – see response to question 1 above.

4. *Contact Detail: Of the person from with the organisation responsible for telephone maintenance full Contact details including full name, job title, direct contact number and direct email address.*

Not applicable – see response to question 1 above.

Also if the contract is due to expire please provide me with the likely outcome of the expiring contract.

Not applicable – see response to question 1 above.

If this is a new contract or a new supplier please can you provide me with a short list of suppliers that bid on this service/support contract?

Not applicable – see response to question 1 above.