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[REDACTED]

18 February 2015

Dear [REDACTED]

Freedom of Information Act 2000 – Information request (ref: FOI_15-029)

We have now considered your request of 09 February 2015 for information relating to ICT contracts. The majority of the information you require is provided in a document, available on our website, which provides details of our current IT contracts.¹ We hope you find this information helpful.

However it is not possible to provide some the requested information. Firstly, we confirm we do not hold some of the information you have requested. Specifically, we do not hold recorded information showing a contract title for any of the contracts.

Secondly, the Act contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to question six of your request (the average annual spend for each of the different types of contract).

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

It is our belief that release of this information would be likely to prejudice the commercial interests of the University.

The purchase of IT hardware and the associated support and maintenance of that hardware is undoubtedly a commercial activity, 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.

In this environment, disclosure of the annual average spend for each contract would, in combination with the information provided in the aforementioned document, enable organisations to estimate the providers' pricing structure and how much the University currently spends on the hardware itself and also its maintenance. The maintenance aspect of the contract is particularly sensitive as it represents a less easily quantified figure that would undoubtedly be helpful to competitor companies

¹ <https://portal.uea.ac.uk/documents/6207125/6884211/itcs-it-contracts-14-15.pdf>

looking to bid for specific contracts. If competitor companies knew this information it would be likely to affect the University's ability to achieve the best price, as the tendering process would inevitably become less competitive.

A 'public interest test' must be applied to the exemption for prejudice to commercial interests. We acknowledge there is a legitimate public interest in knowing the amount and way in which public funds are spent, both to further the transparency and accountability of public spending.

However there is also a clear public interest in ensuring there is fair competition for public sector contracts. 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. In addition, we do not feel that disclosure would increase access to information about the tendering process nor encourage more potential suppliers to enter the market. Revealing the pricing structure for certain contracts will not increase understanding of the tendering process, nor will it lead to improved bids being submitted in the future. On balance, we believe the public interest lies in maintaining in the current blind tendering process for these IT contracts.

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You have the right of appeal against this response. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address. You must appeal 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's Office. Further information is available on their website:

https://ico.org.uk/Global/contact_us, or by telephone on 0303 123 1113.

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

Yours sincerely

Ellen Paterson
Information Policy and Compliance Manager
University of East Anglia