



Geneen Bill
Information Rights
Bedfordshire Police Headquarters,
Woburn Road, Kempston,
Bedford, MK43 9AX

Telephone: 01234 842547
Email: foi@bedfordshire.pnn.police.uk

29th June 2018

Our Ref: Beds FOI2018/02423 Herts FOI2018/02439

By email only to: researchers@bigbrotherwatch.org.uk

Dear Jennifer Kruckeberg

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/02423

I write in connection with your request for information received on 3rd May. I note you seek access to the following information:

1. Does your force use any type of data or services provided by Experian?

If so, can you please provide details of:

- a. **The type of data or service acquired.**
- b. **The dates that these data and/or services were acquired and were in use.**
- c. **The amount of money spent on these products.**
- d. **Any instances where these products were used for predictive modelling.**

2. Has your force purchased any data or services from other companies engaged in market research/consumer behaviour data aggregation and/or analysis?

If yes, please provide company names and details of:

- a. **The type of data or service acquired.**
- b. **The dates that these products were acquired and were in use.**
- c. **The amount of money spent on these products.**
- d. **Any instances where these products were used for predictive modelling.**

I am required by the Freedom of Information Act 2000 (The Act) to handle all requests in a manner that is blind to the identity of the requestor. Any information released in response to a request is regarded as being published and therefore, in the public domain without caveat.

Response Question 1 – Bedfordshire police can confirm that it holds information in relation to your request however, I am not obliged to supply the information you have requested. Such information is exempt under the following exemption:

Section 43(2) Commercial Interests

The Section 43 exemption is a class based qualified exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information. However there is a requirement to carry out a Public Interest Test in order to establish whether the public interest in maintaining the exemption may be outweighed by a wider public benefit in disclosure.

Public Interest Test

Factors in favour of disclosure

The public has a legitimate interest in information about how Bedfordshire Police and Hertfordshire Constabulary spend public funds.

Factors in favour of non-disclosure

The commercial interest of current suppliers would be damaged if contractual information were released to the public. The provision of contractual information including charges would hinder the ability of the current providers to negotiate with other customers, which would damage the commercial interests of our current providers.

Where a contract service is subject to review and retendering, the rates and other specific information about a current contract should be withheld in order to preserve the Force's ability to negotiate best value for money in future contracts.

Balance Test

The balance test is to determine if the benefits to the public outweigh the harm that would or may be caused if the information were to be disclosed. Whilst there is a need for openness and transparency regarding how public funds are being managed, it is essential that the Force can negotiate rates in a competitive market place so that we obtain best value for public money. Publication of contractual information would hinder the competitive nature of any future tendering process by allowing service providers to tailor their quotes based on what they know the Force is currently paying, and on what they know their competitors are currently charging. This could result in an increased cost to the public purse.

As well as the commercial interests of the Force, we have a duty to protect the commercial interests of third party suppliers by not publishing their commercially sensitive rates, and thereby allowing their market competitors to have access to information that they could use to their own advantage, and to the detriment of our suppliers.

It is our opinion that for these issues the balancing test for disclosure is not made out.

Response Question 2 – No information held

Should you have any further enquiries concerning this matter please do not hesitate to contact me quoting the above reference number.

Yours sincerely

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Bedfordshire Police provides you the right to request an independent review of this response under its review procedure. If you require such a review you must notify us within two months from the date of this letter. After lodging a complaint with Bedfordshire Police if you are still dissatisfied with the decision you may make an application to the Information Commissioner. For information on how to make a complaint please visit their website at <https://ico.org.uk/concerns/> or contact them on 0303 123 1113.