



Response Date:08/04/2024

2024/288 - Equipment

In response to your recent request for information regarding;

- 1. The average cost per item spent on standard-issue handcuffs in the financial year 2022/23.**
- 2. The average cost per item spent on standard-issue boots in the financial year 2022/23.**
- 3. The average cost per item spent on high-visibility jackets in the financial year 2022/23.**
- 4. The average cost per item spent on regular police jackets in the financial year 2022/23.**

Section 17(1) of the Freedom of Information Act 2000 requires North Wales Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors considered when deciding where the public interest lies, are listed below:

Section 43 (2) Commercial Interests

This is a prejudice-based exemption which means that the public authority must demonstrate that it is satisfied that to release the information would damage someone's commercial interests. It is also a qualified exemption which means that the public authority must consider the balance of the public interest in releasing the information against the public interest in withholding it.

Harm Test

Contracts are awarded following a procurement process in which tenders are invited from interested parties. As one means of ensuring fairness in the process, parties do not know the details of any of the other parties' tenders. This includes the price at which services can be delivered. To release the details of the prices offered in a tender of any party would be likely to harm that party's commercial interests.

A national procurement process has commenced, releasing unit costs and/or information which would allow this to be calculated is likely to result in an unfair advantage to competitors in this upcoming tendering process. Competitors could potentially undercut this unit costs and gain favour in the cost element of a tendering process.

Public Interest Test

Factors Favouring Disclosure

There is a strong public interest in ensuring that public money is spent correctly and that North Wales Police, and therefore the tax payer, gets value for money when purchasing goods and services.

Release would also facilitate the accountability and transparency of North Wales Police for decisions taken by them in relation to contracts awarded so that they might be challenged.

Factors Favouring Non - Disclosure

Disclosure of pricing information would make it less likely that companies or individuals would provide the North Wales Police with commercially sensitive information in the future and consequently undermine the ability of the North Wales Police to fulfil one of its roles of running fair tender competitions.

Companies compete by offering something different from their rivals and any difference will often be reflected in price. This may also relate to the quality or specification of the product/service they offer. Information identifying the unique price offered by North Wales Police's current service provider for Interpreters is commercially sensitive and may also inadvertently reveal information about their profit margins.

North Wales Police's commercial interests would be prejudiced if it released details of customers' tenders as disclosure of these would be likely to damage North Wales Police's business reputation and possibly the confidence that future customers and suppliers would have in it.

Balancing Test

There are factors which in general terms favour release of this information, however, the factors favouring non-disclosure are more specifically relevant. Releasing unit costs and/or information which would allow this to be calculated would not be in the public interest as it would be likely to harm the process of future tenders. Prospective customers, who will include current service providers, expect to enter a tender on a level playing field and North Wales Police have a responsibility to ensure there is fair competition for public sector contracts. No release of information should be made under the Freedom of Information Act that will give one person a commercial advantage over another. The exemption under Section 43 (2) of the Act caters for this situation. My decision, therefore, is not to release this information at this time.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 25/03/2024