



[REDACTED]

15 February 2024

Dear [REDACTED],

Freedom of Information request: FOI2024/00042

Thank you for your Freedom of Information request received on the 22 January in which you requested the following:

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*

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 2023-2024?*
- *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.*

Our response:

I can confirm that UK Research and Innovation (UKRI) holds some information relevant to your request. Please see the information below and attached.

The information that we are providing has been extracted from a procurement portal that holds information on all UKRI managed contracts. This information is attached as document "FOI2024-00042 Live Contracts Export". We can confirm that the information you have requested for the following questions have been provided in the attached document:

- Contract Reference
- Contract Title – in this case Description
- Procurement Category – in this case Parent Category
- Supplier Name
- Spend – in this case Total Value
- Contract Duration – can be calculated from Contract Start and End Dates
- Contract Start Date
- Contract Expiry Data – in this case End Date
- Contract Description – same as Contract Title

We consider that information relating to Contact Owner, contact details of section 151 officer and part 3 of your request, 'Contract Details Request', falls under Section 40(2) personal data of the FOI Act.

Information relating to Contract Extensions and CPV codes/Pro-Class falls under the exemption at Section 12 (appropriate cost limit).

Further, some contract information in the attached document has also been withheld under the following exemptions which are explained below:

- Section 38 health and safety
- Section 31 law enforcement
- Section 42 legal professional privilege
- Section 40(2) personal data
- Section 12 cost threshold

The Public Interest Test for qualified exemptions identified

Below we have explored the overall public interest arguments in favour of disclosure. Arguments in favour of withholding the information are outlined under each exemption.

Overall public interest in favour of disclosure

The following arguments were considered in favour of disclosure for all exemptions identified:

- It would further the understanding and participation in the public debate on issues concerning public procurement.
- It would promote accountability and transparency by public authorities for decisions taken with regard to public expenditure and enable individuals, organisations and other bodies to understand decisions made by public authorities about budgeting and expenditure.

Section 38(1)(b) endangerment to the safety of any individual

Information on a small number of contracts has been withheld under Section 38(1)(b) of the FOIA, and some information on specific UKRI sites has been redacted as we consider that disclosure would, or would be likely, to endanger the safety of any individual. Section 38 is a qualified exemption and UKRI is required to consider whether the public interest in maintaining the exemption outweighs the public interest in its disclosure.

Public interest in favour of withholding the information

- The disclosure of information relating to companies or suppliers may put at risk the safety of individuals, or any organisations associated with information contained in this release.
- Disclosure of the identified information would make it available to individuals or organisations that may use this information to disrupt research or operations being conducted, but also to target individuals or groups of suppliers by subjecting them to either physical harm or verbal harassment.
- UKRI has an obligation to protect information that may endanger the safety of UKRI sites and employees and ensure there is no harm from the release of contract information.
- Disclosure is likely to draw attention that is unwarranted, stressful and harmful to individuals that would be likely to endanger their safety.

Section 31(1)(a) prevention or detection of crime

We also consider that releasing information on some IT contracts would prejudice the prevention or detection of crime as per Section 31(1)(a) of the Freedom of Information Act. Section 31(1)(a) is a qualified exemption and therefore subject to a public interest test. UKRI applied the Public Interest Test to this request as set out below.

Public interest test in favour of withholding the information

- The release of this information may result in UKRI being more vulnerable to crime.
- The release of this information would be seen to prejudice the prevention or detection of crime, by making UKRI's computer systems more vulnerable to hacking and therefore facilitate the possibility of a criminal offence being carried out.
- There is an overwhelming public interest in keeping government or public authority computer systems secure, which would be served by non-disclosure.

Section 42(1) legal professional privilege

A limited amount of information has been withheld under Section 42(1) legal professional privilege. Section 42(1) is a qualified exemption and we have undertaken a public interest test to determine whether the public interest outweighs the requirement to maintain legal professional privilege.

Public interest in favour of withholding the information

- There is a strong public interest in protecting information on the type of legal advice received, which is considered to be confidential and to protect the ability for UKRI to be able to seek out legal advice.
- Without such confidentiality, a public authority's decision making may be compromised. Confidentiality between professional legal advisors and clients is the foundation of legal and professional privilege as it ensures open, honest and frank exchanges between the client and the advisor.

- This confidentiality would be undermined by the disclosure of the reasons for the legal advice through the release of this type of information in contract details, which would disadvantage UKRI in any legal proceedings.

Overall assessment of the weight of public interest arguments

UKRI have concluded that at this time the balance of the public interest lies in favour of applying the above exemptions. Therefore, some information has been withheld from disclosure.

Section 40(2) personal data

Information relating to names and job roles contained within the contracts register, as well as contact details of individuals has been withheld under section 40(2) personal data of the FOI Act.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles in Article 5(1) of the UK General Data Protection Regulation (UK GDPR) and Section 34(1) of the Data Protection Act 2018. In this case, we believe disclosure would contravene the first data protection principle, which provides that processing of personal data is lawful and fair.

Section 40(2) is an absolute exemption and UKRI is not obliged to consider whether the public interest favours disclosing the information.

The contracts register is managed by UKRI's Commercial team who may be contacted at Commercial@ukri.org

Section 12 cost threshold

We estimate that the cost of collating the information as requested on Contract Extensions and CPV codes/Pro-Class would exceed the appropriate statutory limit as specified within Section 12 of the FOIA which for UKRI is set at £450. This represents the estimated cost of 18 hours of staff resource on locating, retrieving and extracting the information.

To explain further, locating and extracting this information would require a manual check of each individual contract. We have estimated that to review individual contracts in our procurement portal would greatly exceed the cost threshold and involve around 100 hours. This is based on an estimate of approximately 5 mins to find and record the Contract Extension and CPV code/Pro-Class information from each contract.

Consequently, UKRI is not obliged under Section 12 of the FOIA to respond to your request.

With regard to part 2 of your request, for the '*Procurement Strategy for the fiscal year 2023-2024*', UKRI does not hold information in scope.

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact within the next 40 working days:

Head of Information Governance
Email: foi@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: www.ico.org.uk.

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,

[Redacted Signature]

Information Governance
Information Rights Team
UK Research and Innovation
foi@ukri.org | dataprotection@ukri.org