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Dstl is part of the
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Our ref: FOI 2014/03402
Your ref:

06 August 2014

Dear [REDACTED]

Thank you for your email of 12 July 2014 requesting the following information:

1. *Dstl's ITT (Invitation to Tender) for the current IT support contract won by Steria*
2. *Steria's bid documentation in response to the ITT mentioned above.*

For both of these I would like information as to TUPE (Transfer of Undertakings Protection of Employment) requirements requested by Dstl in their ITT and TUPE guarantees made by Steria in their response bid.

Additionally can you please provide any other employment protection requirements or assurances from the items listed above.

We are treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and we can confirm that all the information in scope of your request is held.

The information you have requested can be found at annex A, but some of the information falls entirely within the scope of the absolute exemptions provided for a section 40 (Personal Data) and qualified exemptions provided for at sections 43 (2) Commercial Interests of the FOIA and has been redacted .

A small amount of personal information (staff reference numbers and start dates) has been redacted under Section 40(2) in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Section 43 is a qualified exemption and is subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Section 43 (2) has been applied to the financial figures within Schedule 30 as this would reveal the cost liability of staff transferred from Dstl and Serco to Steria. This information is commercially sensitive and for these reasons I have set the level of prejudice against release of the exempted information to "would be likely to" harm the commercial interests of Dstl and its commercial partners.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely
