

**Reference: 2024-027**

Thank you for your email in which you requested the following information under the Freedom of Information Act 2000 (FOIA):

1. **Spend on Office supplies and associated products for the below financial years.**
  - 1st April 2022 – 31st March 2023
  - 1st April 2023 – 31st March 2024
2. **Start date & duration of Contract?**
3. **Is there an extension clause in the contract and, if so, the duration of the extension?**
4. **Has a decision been made yet on whether the contract is to be either extended or renewed?**
5. **Who is the senior officer (outside of procurement) responsible for the contract?**
6. **Name of Incumbent Supplier?**
7. **How long have you traded with them?20**

**Response**

Please see below our response to your questions in the order asked.

**Questions 1, 2, 3, 4, 6 & 7**

The information you have requested in the above questions are commercially sensitive and therefore engages section 43 (2) of the FOIA.

Section 43(2) of the FOIA deals with commercial interests and provides that:

*Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

**How the exemption is engaged**

The information requested could detriment to the SFO's commercial interests if released by weakening its negotiating position with future suppliers. It could also detriment the commercial interests of the supplier when engaging future clients. As such, this information is exempt from release under section 43(2) of the FOIA.

**Public interest test**

Section 43 of FOIA is a qualified exemption. As such, it requires consideration of whether the public interest in exempting the information outweighs the public interest in disclosing whether the public authority holds the information. More information about exemptions in general and the public interest test is available on the ICO's website at [www.ico.org.uk](http://www.ico.org.uk).

We understand the importance of publicising information about the SFO's use of public resources and funding. However, we do not believe that the release of the information which you have requested would add significantly to these factors and therefore feel there is minimal public interest in releasing this material. Further, as outlined above, the SFO is compliant with the reporting requirements across government, which requires the publication of data surrounding procurement processes on the Contracts Finder website (<https://www.contractsfinder.service.gov.uk/Search/Results>).

I am content that the public interest test strongly favours nondisclosure of the information you have requested for the reasons outlined in the application of the exemption. In unduly releasing data of our products and supplies and contract specific details, we harm our reputation as a buyer which could harm future negotiations and procurement exercises.

I have therefore concluded that the balance of the public interest is in favour of not disclosing the information requested as the commercial interests weigh in favour of not sharing this detail externally.

## **Question 5**

The SFO holds the information that you have requested; however, this information is exempt from release pursuant to section 40 of the FOIA.

Section 40(2) states that personal data which is not the personal data of the requester (i.e. third-party personal data) should not be disclosed if this would contravene the data protection principles. This would constitute a breach of the first data protection principle outlined in the General Data Protection Regulation (GDPR), which states that “personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject”.

### How the exemption is engaged

We maintain that releasing information about individual members of staff to the world at large could not reasonably be interpreted as “fair” processing because the Data Subject would have a reasonable expectation that their personal data would not be disclosed in this way.

Section 40(2) of the FOIA is an absolute exemption and we are therefore not required to consider the public interest in releasing the information requested.