

FOI ref no: SCO/FOI/033/2024

Date: 13 December 2024

Dear Applicant,

Freedom of Information request: reference SCO/FOI/033/2024 first notified to us by email on 24 June 2024.

I seek information in relation to your use of third-party data services.

I note the contract award notice available here, for Financial and Personal Data Services provided by Experian:

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.contractsfinder.service.gov.uk%2Fnotice%2Fea23548d-e760-4a91-bf94-3892bc1df693&data=05%7C02%7CFOI.PFCC%40staffordshire-pfcc.gov.uk%7C9fb7e4c6aa1349c348de08dc943fc37f%7Cd492250406c0431d8eca67087dea03c8%7C0%7C0%7C638548248796432495%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=BrtYqRKAw1CqLxo%2BWRdl7cdjVpg2J7JmCtltvG0o2Yo%3D&reserved=0>

I hereby request access to the following information:

1. A copy of the contract awarded under the above award notice;
2. Copies of any other contract between your authority and Experian;
3. Copies of any contract between your authority and any other supplier providing "personal data services" or "access to databases";
4. Any Data Processing Agreement or other agreement between your authority and the supplier(s) of such services, setting out terms of data processing;
5. Any Data Protection Impact Assessment performed in relation to your use of the above services;
6. Any training materials or guidance provided to staff on your use of the above services;
7. The number of times your authority has used any of the above services to access personal data between 1 April 2019 and 1 April 2024, broken down by quarter.

Staffordshire Commissioner's Office response to your enquiry is as follows:

The Staffordshire Commissioner's Office holds the following requested information.

1. A copy of the contract awarded under the above award notice;
Please see attached.
2. Copies of any other contract between your authority and Experian;
No Information Held
3. Copies of any contract between your authority and any other supplier providing "personal data services" or "access to databases";

Staffordshire Commissioners Office, Ground Floor, Block 9, Weston Road, Stafford ST18 0YY

Twitter: @StaffsPFCC www.staffordshire-pfcc.gov.uk

Please see attached

4. Any Data Processing Agreement or other agreement between your authority and the supplier(s) of such services, setting out terms of data processing;
Contained within the attached document
5. Any Data Protection Impact Assessment performed in relation to your use of the above services;
No Information Held
6. Any training materials or guidance provided to staff on your use of the above services;
No Information Held
7. The number of times your authority has used any of the above services to access personal data between 1 April 2019 and 1 April 2024, broken down by quarter.
No Information Held

The Staffordshire Commissioner's Office withholds the following information.

- **Personal Information**
- **Commercially Sensitive Information**
- **Information given in confidence**

The above information has been withheld for the following reasons:

To release such details would identify individuals whose details are not in the public domain and release information that would give other providers a competitive edge in any future process. It is imperative the information shared in any contracts, that is specifically tailored to the needs of the provider and the circumstances at the time are done so without the fear of any speculation entering the public domain and undermining the process.

The following exemptions have been applied:

In accordance with Section 17(1) of the Freedom of Information Act, I am declining to provide any further information as I am citing the following exemptions:

- **Section 41(1) (b) – Information provided in Confidence**
Section 41(1) (b) is an absolute exemption although not qualified, there is a requirement to conduct a PIT (Public Interest Test) on whether the common law duty of confidentiality can be overcome.

The disclosure of the information to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

- **Section 43 – Commercial Interests**

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

- **Section 40(2) – Personal Information.**

Staffordshire Commissioners Office, Ground Floor, Block 9, Weston Road, Stafford ST18 0YY

Twitter: @StaffsPFCC www.staffordshire-pfcc.gov.uk

Section 40(2) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third-party information held by the Staffordshire Commissioner's Office, would breach the data protection principles; namely –

- **Data is lawfully and fairly processed.**
- **Processed in line with an individual's rights.**
- **Data is secure.**

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

Public Interest Test

Factors favouring disclosure for Section 41

There is a general public interest in disclosure and openness concerning the transparency of any contracts and the information contained within them. There is a public interest in giving assurance to the public that effective arrangements are in place between the organisation and providers who are awarded such contracts.

Factors against disclosure for Section 41

Any negotiation of contracts relies on the willingness and cooperation of all partners involved to have full and frank discussions that must take place where various views are held to determine the conditions of any contract between parties. The effectiveness of those discussions is that the information provided is kept in confidence, unless there is a lawful reason to do otherwise. It is vital that participants provide their information freely and openly and, in an environment, where they can trust that their information will not be prematurely disclosed, or released simply upon request.

If participants did not trust that the information discussed would be kept in confidence then it would deter them from discussing views in a full and frank manner. This would be likely to prejudice the and undermine its maintenance of the various legal requirements about confidentiality of information. Failure to adopt this approach would undermine the process and in turn give others a competitive range rather than entered into negotiations why fair and reasonable conditions can be agreed that benefit the contract. In turn this would be likely to prejudice the process to the detriment of the public.

Whilst every effort has been made to release the majority of information, there are elements of the data that is covered under section exemptions.

Balance Test

The Staffordshire Commissioner's Office take's its obligations of ensuring that contracts are negotiated that give best value for money and serve the purpose of the contract, which ultimately is to be benefit of the people and communities of Staffordshire and Stoke on Trent. Although the assurances that release of this information would provide are important, it is of paramount importance that the integrity of the process is not jeopardised. Release of any information that may interfere or prejudice would not be undertaken. Therefore, on balance it is our opinion that the factors

Staffordshire Commissioners Office, Ground Floor, Block 9, Weston Road, Stafford ST18 0YY

Twitter: @StaffsPFCC www.staffordshire-pfcc.gov.uk

supporting release of this information are outweighed by those opposing and this information will not be released.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this email and should be addressed to:

Independent Review Manager
Staffordshire Commissioner's Office
Block 9, Staffordshire Police HQ
Stafford
ST18 0YY

Or emailed to: FOI.PFCC@staffordshire-pfcc.gov.uk.

Please remember to quote the reference number in any future communications.

Yours sincerely

Freedom of Information Decision Maker