

**Information Governance Unit
Information Management Branch**

3rd June 2010

Dear XXXX

FREEDOM OF INFORMATION REQUEST REFERENCE NO: XXXX

I write in connection with your request for information dated 05/05/2010, which was received by Greater Manchester Police on 05/05/2010. I note you seek access to the following information:

As an interested party, I would like to receive a copy of the Request for Quotation that was provided to contractors when you last invited tenders for GMPs fixed-wing and rotary air support units. I would also like to receive a copy of the existing contract between yourselves and SpecAir and the previous contractors, PremiAir Aviation Services Limited. Either e-mail or hard copies would be fine.

Following receipt of your request searches were conducted within Greater Manchester Police to locate information relevant to your request. I can confirm that the information you have requested is held by Greater Manchester Police, (GMP).

Your request for information has now been considered and I am not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester 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 that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information is **Section 43(2) – Commercial Interests**, and relates to information that is exempt information if its disclosure would, or would likely to, prejudice commercial interests of any person (including the public authority holding it).

This exemption is Qualified and Class-based and is, therefore, subject to a Public Interest Test – see below.

Public Interest Test

Where public funds are being utilised by an authority it would be in the interest of the public to release information within a Freedom of Information request. Naturally there is a public interest in the justification and accountability of the use of the public purse. Therefore, to

disclose the data sought within this request would provide the public with a better understanding of how GMP are utilising public funds in order to facilitate it's aviation requirements in law enforcement and the detection of crime. GMP would also benefit the community by providing a clearer understanding of the procurement and decision-making process, involved in this type of tender.

Conversely to the above, and with regard to the timing of the request (the current contract is due for renewal March 2011, therefore the tender process will commence soon), to disclose the requested data would damage any current or ongoing tender process. The release of the information, into the public domain, would, inevitably, release commercially sensitive data (for example contractual figures) that would give competitors an unfair commercial advantage and damage the commercial interests of GMP, in regards to any future contracts or procurement procedures. This would jeopardise the interests of third parties and could lead to civil action being taken against GMP.

At this time, and again with regard to the timing of the request, the balance to exempt the requested data outweighs disclosure due to the fact that commercially sensitive data would be released, giving competitors an unfair commercial advantage and jeopardising third parties and GMPs current and future procurement and tendering procedures.

In accordance with the Act, this letter represents a Refusal Notice for this particular request.

In compliance with Section 16 – the duty to provide advice and assistance – of the Act, GMP can advise that its tender processes are based upon Home Office (NPIA) framework arrangements. Further details can be obtained from the following web links

<http://www.npia.police.uk/en/14784.htm>

<http://www.gmp.police.uk/mainsite/pages/tenders.htm>

<https://www.blpd.gov.uk/foi/foi.aspx>

Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint.

Should you have any further inquiries concerning this matter, please write or contact me on telephone number 0161 856 2529 quoting the reference number above.

Yours sincerely

Philip Humphreys
Information Access Officer

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require Greater Manchester Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of Greater Manchester Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a complaint with Greater Manchester Police to have the decision reviewed.

Complaints should be made in writing and addressed to:

Corporate Information Manager
Greater Manchester Police
Police Headquarters
Chester House
Boyer Street
Manchester
M16 0RE

The Information Commissioner

After lodging a complaint with Greater Manchester Police if you are still dissatisfied with the decision you can make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 700