

Request Reference: 520A/21

I kindly request the following information in accordance with the freedom of information Act 2000, with regard to your forces purchases of body armour:

6. What is the current unit price per vest

Applicable Exemption: Section 43(2) – Commercial interests

Public Interest TestHarm

Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any legal person (an individual, a company, the public authority itself or any other legal entity). DHL are currently undertaking a tendering exercise on our behalf (and for a number of UK forces) and this includes trials with a number of forces. Disclosure of our current pricing with regard to body armour, may distort competition should the conclusion of the current testing prove unsuccessful and DHL have to re-engage with the market. Our incumbent supplier are one of the suppliers who are currently undergoing user and Human Factors Assessment Framework trials and it would be unfair to release their current pricing model.

Factors for Disclosure:

Disclosing commercial information makes us more transparent and accountable to the public for how we spend public money, such as when purchasing goods or services or awarding grants and contracts to private sector companies. Where the public has a clear understanding of how we spend public money, this can increase confidence in our integrity and our ability to effectively allocate public funds. It may also enable members of the public to engage with, and challenge us on, how we spend public money.

Factors against Disclosure:

There is a public interest in protecting the commercial interests of individual companies and ensuring they are able to compete fairly. If the commercially sensitive information of one of the players in the market were revealed, then its competitive position would be eroded and the whole market would be less competitive, with the result that the public benefit of having an efficient competitive market would also be eroded.

Companies could also refuse to do business or submit tenders with a force that readily releases their sensitive commercial information, also reducing competition and as a result driving up prices that the force pays for goods or services.

Balance Test

For a public interest test, factors that favour disclosure of the requested information need to be measured against factors that favour non-disclosure. The public interest however is not what interests the public, or a particular individual or organisation, but what will be the greater good, if released, to the community as a whole.

The issue of transparency and accountability with regard to release of the information is noted, however this has to be balanced against the harm that would also be caused with its release. As described above, there is a public interest in protecting the commercial interests of individual companies as this ensures that the market remains fair and competitive. Police forces are funded with public money and budget constraints have meant that precepts (the element of local council tax payments which funds policing) have had to increase this year in the West Midlands. It is therefore clearly in the public interest that West Midlands Police get the best value for money in the goods or services it procures.

Therefore having weighed up the factors for and against release of the current unit price per vest, it is my opinion that the public interest in maintaining the exemption outweighs the public interest in release. West Midlands Police will not release information that would prejudice the commercial interests of any person.