

Reference: 01663597

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

25 September 2023

### Freedom of Information request: Right to know request

Thank you for your request for information concerning security scanners for incoming mail. Your request was received on 25 August 2023 and we have considered it under the Freedom of Information Act 2000 ('the FOI Act').

### Your request

*We make this request in regards to the supply of Security Scanners (for incoming mail) to your organisation-*

*The details we require about the contract and supply of aforementioned equipment are:*

- \* Who is the senior officer (outside of procurement) responsible for this contract?*
- \* What are the contractual performance KPI's for this contract?*
- \* Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages*
- \* Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date*
- \* Start date & duration of framework/contract?*
- \* Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?*
- \* Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?*
- \* Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?*

### Our response

Usually under the FOI Act, any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds the information requested, and if that is the case, to have that information communicated to them. However by virtue of section 31(3) of the FOI Act, the duty to confirm or deny holding information does not arise

if the confirmation or denial that would be given would or would be likely to prejudice, among other things, the prevention or detection of crime.

We consider that information about security scanners, including confirmation of whether or not we hold it, could potentially aid malicious attacks against Ofcom. We therefore can neither confirm nor deny whether we hold the information you have requested.

Section 31(1)(a) of the FOI Act is a qualified exemption which means that we have had to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider the public interest favours withholding the information.

The attached Annex A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

We also consider that other exemptions under the FOI Act such as section 38 may be applicable in this case. Section 38 of the FOI Act relates to information if disclosed would or would be likely to endanger the physical or mental health of any individual, or endanger the safety of any individual.

You may find general information about supplying Ofcom and tendering opportunities on this webpage: [Supplying Ofcom](#)

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely

## Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

### Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## Annex A

### Section 31(1) of the FOI Act:

*“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –*

*(a) the prevention or detection of crime;”*

### Section 31(3) of the FOI Act:

*“The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).”*

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"><li>• Enabling the public to gain a better understanding of how Ofcom performs its functions.</li></ul>	<ul style="list-style-type: none"><li>• Disclosure of information about Ofcom’s security management for incoming mail (including whether or not we hold the information) may aid malicious parties to compromise/attack the systems concerned. Release of this information will prejudice the prevention of crime by facilitating the possibility of criminal offences being carried out.</li><li>• The consequences of releasing the information include undermining our incoming mail security and making it a vulnerable target to abuse and attack. This may also result in health and safety concerns to our staff as well as loss of information that may be personal data or commercially sensitive data.</li></ul>
Reasons why public interest favours withholding information	
<ul style="list-style-type: none"><li>• We consider that on balance, it is in the public interest to withhold the information requested. Disclosure of detailed information about Ofcom’s security management for incoming mail may provide insight into information which may be used to attack Ofcom’s incoming mail systems. It is in the public interest for this not to happen to protect Ofcom against a potential compromise so that Ofcom can carry out its functions efficiently and its staff are safeguarded against any malicious attacks.</li></ul>	