

Subject: Contract for the Provision of Scotland's Census 2021 Online Collection instrument (OJEU Ref: 2017/s 065-122442) to CACI Ltd.

FOI reference: Fol/18/00785

Date received: 07 March 2018

Date responded: 19 March 2018

Information requested:

Contract for the Provision of Scotland's Census 2021 Online Collection instrument (OJEU Ref: 2017/s 065-122442) to CACI Ltd.

NRS Response:

The Contract comprises of:

The Contract and Schedules:

- 1 Definitions
- 2 The Services (Specification and Service Provider Solution)
- 3 Pricing and Financial
- 4 Management Arrangements, Implementation Plan, Key Individuals, Approved Subcontractors and Authority Responsibilities
- 5 Service Levels and Performance Monitoring
- 6 Testing procedures and BCDR
- 7 Supplier Sensitive Information (This just states what is defined as Supplier Sensitive Information)
- 8 Census Confidentiality Undertaking
- 9 Model Terms for Data Protection Directive
- 10 Exit Management
- 11 Change Control procedure
- 12 Security management
- 13 Software
- 14 Escrow Terms

While we endeavour to provide information whenever possible, in this instance exemptions apply to some of the information you have requested and we have therefore redacted the exempt information from the copies provided.

Under the terms of the Contract with CACI Ltd the contents of Schedules 2, 3 and 13 and the Change Control Note 001 are defined as Service Provider Sensitive Information. An exemption under section 33(1)(b) of FOISA (commercial interests) applies to these schedules because their disclosure would, or would be likely to, prejudice substantially the commercial interests of CACI Ltd. Disclosing this information would be likely to give CACI Ltd's competitors an advantage in future similar tendering exercises, which would substantially prejudice CACI Ltd's ability to submit competitive tenders and so could significantly harm their commercial business.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing

the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open and transparent government, and to help account for the expenditure of public money. However, there is a greater public interest in protecting the commercial interests of companies which tender for National Records of Scotland contracts, to ensure that we are always able to obtain the best value for public money.

The Contract, Schedules 2 and 4, and the Change Control Note 001 also contain some personal information. An exemption under section 38(1)(b) of FOISA (personal information) applies to this information because it is personal data of a third party, names and contact details of individuals, and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Please see related attachments for the Contract, Schedules and Change Control Note 001.