

Subject: Information on all contracts awarded under the expired Framework Agreement.

FOI reference: FOI/19/01405

Date received: 6 June 2019

Date responded: 12 June 2019

Information requested:

You asked for “the information listed at [a] to [e] for staff provided under the expired Framework Agreement named at [f]

[a] Framework Public Bodies Contracts Manager’s or Hiring Manager’s name;

[b] Job Role;

[c] Start Date;

[d] End Date;

[e] Pay Rate.

[f] Crown Commercial Services Framework Contract for Non Medical Non Clinical Temporary and Fixed Term Staff (RM971) which commenced on 1 July 2015.”

NRS Response:

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information requested because exemptions under section 38(1)(b) (personal information) and section 33(1)(b) (commercial interests) of FOISA apply to some of the information requested. The reason why these exemptions apply are explained below. Please find a list of all of the other information requested in Annex 1 of this letter.

Reasons for not providing information

Section 38(1)(b) - personal information

An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. 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.

Section 33(1)(b) - commercial interests

An exemption under section 33(1)(b) of FOISA (commercial interests) applies to some of the information requested. This exemption applies because disclosure of this particular information would, or would be likely to, prejudice substantially the commercial interests of individuals/ company(ies) providing services. Some contracts are still current and commercially confidential. Disclosing this information would be likely to significantly harm their commercial business” and could cause reputational damage.

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. Although there is a public interest in being transparent with the public purse there is a stronger interest in the ability to procure and ensure that the Scottish Government can gain best value collaborative framework contracts consistently for themselves and the many other contracting authorities (including National Records of Scotland) calling off contracts from those framework contracts. We have found that, on balance, the public interest lies in favour of upholding the exemption.

At Annex 1 you will find some of the information requested which we are able to disclose as it is not subject to an exemption.

Annex 1- Information requested which is not subject to exemptions under section 38(1)(b), personal information and section 33(1)(b) commercial interests of FOISA

This is the list of all contracts awarded under the Crown Commercial Services Framework Contract for Non Medical Non Clinical Temporary and Fixed Term Staff (RM971) which commenced on 1 July 2015 and the anticipated contract values of those contracts. Please note these are the anticipated contract values and not the actual spend. Not all of these contracts will have completed their expected contract duration due to the nature of this framework contract (ie. Interim professionals finding other roles and terminating their contracts early by providing and working the minimum notice period).

The Interim Professional roles purchased through this framework were non ICT professional skills.

Contract Title	Start Date	End Date	Contract Value
Interim Professional	19 September	10 November	£10,001.16
Interim Professional	07 January	30 September	£107,244.40