

29 June 2022

2022-033

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002****REQUEST DETAILS**

Please find below our response to your correspondence dated 31 May, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

Please tell me how much has been spent by the SPA to date on outsourcing forensic analysis in relation to drug-driving samples, and name the recipients, and year of spending, and how much each received. Also in each case please tell me how many samples they processed.

**RESPONSE**

Your request for information has been considered and the Scottish Police Authority (SPA) is able to provide the following;

In relation to the outsourcing of forensic analysis of drug driving samples, the table below shows spend per recipient, per year:

	<b>2020/21</b> £	<b>2021/22</b> £	<b>2022/23</b> £	<b>Total</b>
Eurofins Forensic Services Ltd	59,641	21,649	-	81,290
Key Forensic Services Ltd	142,256	276,167	54,375	418,423
<b>Total</b>	<b>201,897</b>	<b>297,816</b>	<b>54,375</b>	<b>499,713</b>

Whilst we aim to provide information wherever possible, some of the information requested is subject to the following exemptions;

**Section 33(1) (b) – Commercial Interest**

Information is exempt if its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person.

Any relevant information supplied by a company is provided with the expectation that whilst remaining relevant, and commercially sensitive, this will be held by the

Authority and not disclosed as another organisation may gain a competitive advantage from this information. In associating the number of samples processed per provider in conjunction with spend this would allow the cost per case to be calculated, which is commercially sensitive.

If the information was disclosed, this may reduce the number of companies tendering for the supply of goods and services in the future, if aware that the Authority will disclose commercially sensitive information. This is likely to negatively impact the tendering process to ensure purchase of the most efficient and cost effective services in the future, and prejudice the commercial interests of the Authority.

The exemption considered applicable is non-absolute and requires the application of the Public Interest Test.

### **Public Interest Test**

Disclosure of the requested information would allow greater scrutiny of the way public funds are spent and increase transparency in terms of this spending. The Authority is a publicly funded organisation and therefore has an obligation to obtain best value for money with particular services.

However, the Authority will not disclose any information that would impact on its ability to do both. The public interest would not be served if it were no longer possible to engage companies in the provision of specialist services, if they believed that conducting business with SPA Forensic Services would result in their confidential financial information being released, allowing competitive advantage to be gained by other organisations.

On balance, our conclusion is that maintaining the exemption outweighs that of disclosure.

### **RIGHT TO REVIEW**

If you are dissatisfied with the way in which your request has been dealt with you are entitled, in the first instance, to request a review of our actions and decisions

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@spa.police.uk](mailto:foi@spa.police.uk) or by post to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Scottish Police Authority Freedom of Information [Disclosure Log](#) in seven days' time.