

**Chief Executive**  
2 Franklin Street  
BELFAST  
BT2 8DQ

Tel: 028 9536 3863  
Email: FOI.BSO@hscni.net

**31<sup>st</sup> October 2023**

**BY EMAIL**

**Our Ref: FOI 2048**

Dear [REDACTED],

Your request for information was received on 20<sup>th</sup> September 2023 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested in relation to organisation's Mobile Phones contract (NIMDTA).

Please find this information below.

**1. Network Provider(s) - Please provide me with the network provider name e.g., EE, Telefonica, Vodafone, Three**

This information has been considered exempt from disclosure under Section 31 of the Freedom of Information Act 2000 ('Law Enforcement').

Section 31 is also a qualified exemption which means that the public interest test (PIT) must be considered. This involves weighing the harm resulting from possible disclosure against the likely benefit to the wider public. A copy of PIT is attached for your reference.

In considering the PIT, I acknowledge that there may be a public interest for disclosure in line with HSC's requirement to be open and transparent in its use of public monies and provision of public services. However, while I make no suggestion that there is any malicious intent on your part; provision (and therefore publication) would be capable of making Health and Social Care, vulnerable to malicious attack. I therefore consider that the public interest in withholding this information outweighs the public interest in supplying it.



- 2. Annual Average Spend for each Network Provider - Can you please provide me with the average annual spend over the last 3 years. If this is a new contract, can you please provide the estimated annual spend.**

£271

- 3. Number of Connections- Number of connections for each network provider. (Number of voices only devices, voice and data devices, data only devices) please provide me with the breakdown and not the overall total.**

Number of Voice Only Users 0

Number of Data Only Users 0

Number of both Data and Voice Users 25

- 4. Duration of the contract- please state if the contract also includes contract extensions for each provider.**

12 months with 2 one-year extensions

- 5. Contract Start Date- please can you provide me with the start date of the signed agreement. Please do not provide me with the framework contract date I require the contract dates of the signed agreement. (if there are multiple start dates, could you please provide me with the earliest date for each provider)**

12/11/2020

- 6. Contract Expiry Date- please can you provide me with the expiry date of the signed agreement. Please do not provide me with the framework contract date. I require the contract dates of the signed agreement. If the contract is rolling, please state.**

11/11/2023

- 7. Contract Review Date- Please can you provide me with a date when the organisation plans to review this contract.**

01/07/2023

- 8. The person in the organisation responsible for this particular contract. Can you send me the full contact details Contact Name, Job Title, Contact Number and direct email address for each network provider? If full contact details cannot be provided, please send me their actual job title.**

Interim Director of Digital Operations

Info.BSO@hscni.net

0300555 0113

**9. If the mobile phone contract is provided by a managed contract, please provide me with the actual name of the network provider along with the number of connections and the internal contact from within the organisation responsible for this contract.**

**Please can you provide me with the latest information- If the organisations are currently out to tender, please can you also state the approx. date of the award along with the information above.**

**Also, if the contract in the response has expired/rolling please can you provide me with further information if available of the organisation's plans going forward with regards to mobiles and the contract status?**

**If this contract was awarded within the past three months, can you please provide me with a shortlist of suppliers that bid on the contract?**

I can advise that this is a live tender. The Information Commissioner considers that participating in a tendering process is a commercial activity (ICO Decision Notice FS50518095). BSO and NIMDTA have determined to release the requested information at this time would be likely to prejudice the tendering process.

The information you have requested is considered exempt from disclosure under Section 43 of the Freedom of Information Act, as doing so could damage the tendering process. Section 43 of the Freedom of Information Act is a qualified exemption and is therefore subject to the Public Interest Test, a copy of which is attached for your information.

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter, as the BSO, along with all other public authorities are not obliged to accept internal review requests after this period has lapsed.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,  
2 Franklin Street,  
Belfast,  
BT2 8DQ

If, following an internal review, carried out by an independent decision-making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

**Website:** [www.ico.org.uk](http://www.ico.org.uk)  
**Phone:** 0303 123 1113  
**Email:** [casework@ico.org.uk](mailto:casework@ico.org.uk)  
**Post:** Information Commissioner's Office  
3rd Floor, 14 Cromac Place  
Belfast  
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However, the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,

A handwritten signature in cursive script that reads "Karen Bailey".

**Karen Bailey**  
Chief Executive

## Public Interest Test (PIT)

Exemption claimed in respect of Section 31 of the Freedom of Information Act 2000 ('Law Enforcement') for disclosure of details on contracts registers

In considering this PIT, the following have been taken into account:

- the public interest in issues of accountability and transparency and in scrutinising how BSO's affairs are conducted
- the public interest in ensuring that BSO is able to protect its systems from cyber-attacks which could damage security
- the public interest in ensuring that BSO can proactively manage the risks around cyber security, for the wellbeing and safety of all its stakeholders

In favour of disclosure of information	In favour of not disclosing information
<p>Openness and transparency: it is recognised that releasing this information would provide the public with assurance that we are:</p> <ul style="list-style-type: none"><li>• protecting our technologies;</li><li>• spending public money responsibly, especially where this relates to the provision of public services</li></ul>	<p>BSO hosts a vast range of software, systems and data on behalf of the wider Health and Social Care (HSC) within Northern Ireland.</p> <p>Release of this information would make BSO, and by association the wider HSC more vulnerable to crime (namely a malicious attack on BSO's network). As such release of this information would be seen to prejudice the prevention or detection of crime by making BSO more vulnerable to hacking at a given time.</p>
	<p>Under data protection legislation, BSO has a legal obligation to process personal data in a manner that ensures its appropriate security using appropriate technical or organisational measures. The release of this information is therefore a reasonable threat to the security and integrity of confidential personal data held on our systems.</p>
	<p>BSO and the wider HSC operate the majority of their services with a high dependency on IT. Many services operate almost exclusively via information held within our network infrastructure. Any disruption of BSO's network infrastructure, even for a short period would be likely to severely restrict our ability to carry out statutory functions across the wider HSC network.</p>

	<p>There is therefore an overwhelming public interest in keeping BSO's systems secure which would be served by non-disclosure.</p> <p>It has therefore been decided that the balance of the public interest lies clearly in favour of withholding the material on this occasion.</p>
--	--

## Public Interest Test

**Public Interest Test** Information you requested with regards to the tender of NIMDTA's Mobile Phone Contract.

Exemption claimed in respect of Section 43(2) of the Freedom of Information Act 2000 (Commercial Interests)

In favour of disclosure of information	In favour of not disclosing information
Details of public service procurement processes require openness, transparency and accountability.	To publicly release the information sought would be likely to damage the tendering process, thereby prejudicing the commercial interests of the BSO and its client organisations.
	Disclosure would be likely to prejudice the tendering process and give unfair advantage to some suppliers. To provide the information sought would be likely to cause significant harm to the commercial interests of any other parties involved in the process

**Chief Executive**

2 Franklin Street  
BELFAST  
BT2 8DQ

Tel: 028 9536 3863

Email: FOI.BSO@hscni.net

**17<sup>th</sup> November 2023**

**BY EMAIL**



**Our Ref: FOI 2048**

Dear 

We are writing to you in response to your request for a review of the above referenced Freedom of Information (FOI) request, as received by the Business Services Organisation (BSO) on 1<sup>st</sup> November 2023.

We can advise that a review panel was convened on 14<sup>th</sup> November 2023 to review this matter. This panel consisted of Ms Julie Erskine (Chair, BSO) and Ms Lesley Young (Director of Operations, BSO).

The review panel reviewed your original Freedom of Information request, the BSO's formal response to it, as well as the points raised within your request for a review panel to be convened.

Your request for a review cited that you believe that the use of exemption 31 of the Freedom of Information Act 2000 was not appropriate within the response issued to your information request.

The panel reviewed both your request and the response issued and agreed that they are content with the information that was provided to you.

The panel agreed with the rationale as set out within the Public Interest Test that was provided to you and upheld that disclosure of this information would leave the BSO, and by association, Health and Social Care Northern Ireland (HSCNI), more vulnerable to crime, with the crime in question being malicious attack on the infrastructure and systems.





The review panel wish to reiterate that there is no inference that your request is viewed as being malicious. Furthermore, whilst you have cited that other organisations have disclosed the information you have requested, the panel agree that the BSO should apply a consistent approach to cyber awareness and the potential risks in providing both supplier names and brand names affiliated with supplying software to HSCNI.

As such, the panel would refer you to the public interest test supplied with the original formal response, which outlines the negative impact of the disclosure of such information.

The review panel hope that the outcome of this review panel has been of assistance to you.

If, however, following this internal review, carried out by an independent decision-making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

**Website:** [www.ico.org.uk](http://www.ico.org.uk)  
**Phone:** 0303 123 1113  
**Email:** [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)  
**Post:** Information Commissioner's Office  
3rd Floor, 14 Cromac Place  
Belfast  
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However, the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,



**Ms Julie Erskine**  
BSO Chair , BSO



**Ms Lesley Young**  
Director of Operations, BSO