

Dear

Outcome of Internal Review

We refer to your email of 18 September 2016 where you requested a review of our Freedom of Information response of 25 August 2016 in relation to your request for information on the consultancy use of Colleges Scotland. For the purposes of this email, the Freedom of Information (Scotland) Act 2002 is abbreviated to FOISA and the Data Protection Act 1998 is abbreviated to DPA.

Further to your request for a review of our response, we have now conducted a review and the decision has been upheld for the following reasons:

1. **Personal Information:** Colleges Scotland originally redacted the names of private individual consultants on the basis of the section 38(1)(b) exemption (FOISA). You state in your request for review that “any consultants will be registered as a company and not as an individual.” This is not correct. You will note from the spreadsheet that was disclosed to you that all company names have been released. The only consultants that have been removed are those who provided consultancy services as individuals. The names of private individuals fall under the definition of third party personal data as per section 38(1)(b) of the FOISA and section 1(1) of the Data Protection Act. However, during the review it was uncovered that a number of consultants that appeared to be acting as individuals were in fact companies and as this information is a matter of public record Colleges Scotland has therefore amended the attached spreadsheet to reflect this further disclosure.

Personal data is defined in section 1(1) of the DPA as data which relates to a living individual who can be identified (a) from those data, or (b) from those data and other information which is in the possession, or likely to come into the possession, of the data controller. Colleges Scotland is satisfied that the information under consideration is personal data, in line with the definition in part (a) of section 1(1) of DPA and can therefore be properly redacted.

2. **Commercial Interests:** Colleges Scotland originally redacted the specific amounts paid to consultants on the basis of the section 33(1)(b) exemption (FOISA). While reviewing this decision, Colleges Scotland considered the fact that the commercial interests’ exemption is applicable to all parties, not just Colleges Scotland.

On review Colleges Scotland concluded that releasing the consultancy rates offered to Colleges Scotland by their consultants would substantially prejudice the consultant’s commercial interests as it would disclose the rates offered to Colleges Scotland which could then be viewed by the consultant’s current and future clients. Consultants offer varying rates based on the consistency and complicity of work and revealing rates offered constricts the consultants when negotiating future contracts, and also substantially prejudices their dealings with their current clients.

As well as prejudicing the consultants, disclosing this information would also substantially prejudice Colleges Scotland as consultants will be deterred from dealing with Colleges Scotland if they knew this commercial information could be publically released. This is not in the public interest.

Finally, Colleges Scotland regularly obtains work through a tendering process. To have potential tenderers in possession of the financial details of previous Colleges Scotland consultants would substantially prejudice and undermine any tendering process, and make it more difficult to reduce consultancy costs or achieve best value.

In view of the above Colleges Scotland has decided that specific amounts paid to consultants and copy invoices will continue to be redacted.

As part of this review Colleges Scotland have contacted six of the consultants in question. Four have responded confirming that all or part the redacted information is data that they would reasonably consider to be confidential and commercially prejudicial if released. The other two have not replied as of this date. The responses of the consultants were consistent with the views of Colleges Scotland noted above and supported Colleges Scotland’s decision to continue to redact the data in question.

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. The Information Commissioner can be contacted at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Yours sincerely

Shona Struthers



ANALYSIS OF CONSULTANTS COSTS
OCTOBER 2012 TO JULY 2016

Contract No	Name of Consultant	Remit/Purpose	Contract Start Date	Contract End Date	Source of Funding	Invoiced (inc Expenses & VAT) £	Copy Invoices
CS 0042	Allardyce Consulting LTD	Reform of CS Support Agencies	01.03.14	31.07.14	Scottish Funding Council	REDACTED	REDACTED
CS 0052	Andy Rowe & Partners Ltd	Public Affairs Project Work	20.10.14	24.11.14	CS Finance	REDACTED	REDACTED
CS 0044	BeeDeeHR Ltd	National Pay Bargaining Support	14.05.14	13.05.15	Scottish Funding Council	REDACTED	REDACTED
CS 0066	BeeDeeHR Ltd	National Pay Bargaining Support	01.06.15	31.07.15	Scottish Funding Council	REDACTED	REDACTED
CS 0068	BeeDeeHR Ltd	National Pay Bargaining Support	13.07.15	31.07.15	Scottish Funding Council	REDACTED	REDACTED
ASC 0028	C Here Private Limited Company	Copyright Consultancy Service	01.08.12	31.07.13	CS Finance	REDACTED	REDACTED
CS 0036	C Here Private Limited Company	Copyright Consultancy Service	01.08.13	31.07.14	CS Finance	REDACTED	REDACTED
CS 0041	C Here Private Limited Company	Copyright Consultancy Service	01.02.14	31.07.14	CS Finance	REDACTED	REDACTED
CS 0050	C Here Private Limited Company	Copyright Consultancy Service	01.08.14	31.07.15	CS Finance	REDACTED	REDACTED
CS 0056	C Here Private Limited Company	Copyright Consultancy Service	01.02.15	31.07.15	CS Finance	REDACTED	REDACTED
CS 0065	C Here Private Limited Company	Copyright Consultancy Service	01.06.15	31.07.15	CS Finance	REDACTED	REDACTED
CS 0071	C Here Private Limited Company	Copyright Consultancy Service	01.08.15	31.07.16	CS Finance	REDACTED	REDACTED
CS 0037	Tiny Big Design	Design Services	19.09.13	31.12.13	CS Finance	REDACTED	REDACTED
PO CS5708	EMSI	Economic Impact Study		Purchase Order	50% CS Finance / 50% The University of the Highlands & Islands	REDACTED	REDACTED
CS 0070	Eglington Managemetn Centre Ltd	Provision of Coaching and Mentoring Services	01.11.14	31.07.15	CS Finance	REDACTED	REDACTED
CS 0075	GM Associates	Pay Arrangements within the College Sector	20.11.15	31.12.15	Universities Scotland	REDACTED	REDACTED
CS 0062	Grayling Communciations Ltd	Communication and Public Affairs Support	09.03.15	31.07.15	CS Finance	REDACTED	REDACTED
CS 0072	Grayling Communciations Ltd	Communication and Public Affairs Support	03.08.15	30.09.15	CS Finance	REDACTED	REDACTED
CS 0074	Grayling Communciations Ltd	Communication and Public Affairs Support	01.10.15	31.03.16	CS Finance	REDACTED	REDACTED
CS 0077	Grayling Communciations Ltd	Communication and Public Affairs Support	01.04.16	31.07.16	CS Finance	REDACTED	REDACTED
PO CS3273	Grayling Communciations Ltd	Vision Day Support		Purchase Order	CS Finance	REDACTED	REDACTED
PO CS3677	Grayling Communciations Ltd	Workshop on Business Strategy for CS		Purchase Order	CS Finance	REDACTED	REDACTED
PO CS4494	Grayling Communciations Ltd	Crisis Communications and Ongoing Support		Purchase Order	CS Finance	REDACTED	REDACTED
CS 0031	Chevrah Consult Ltd	Development of a Positioning Paper on the Vision of the Sector for the Regional Leads	14.12.12	28.02.13	CS Finance	REDACTED	REDACTED
CS 0048	J M Godfrey Ltd	Temporary Resource to Support Funding and Finance Committee until Recruitment	15.09.14	22.11.14	CS Finance	REDACTED	REDACTED
CS 0051	J M Godfrey Ltd	Temporary Resource to Support Funding and Finance Committee until Recruitment	15.09.14	28.11.14	CS Finance	REDACTED	REDACTED
CS 0049	REDACTED	Shape, Lead and Influence a Range of Policy Areas Affecting the College Sector in Scotland	01.11.14	30.11.14	CS Finance	REDACTED	REDACTED
CS 0069	GLE Consultancy Ltd	Economic Modeling Specialists International (EMSI) Support	13.07.15	31.07.15	CS Finance	REDACTED	REDACTED
CS 0043	REDACTED	Colleges Insurance Business Case Project	09.04.14	19.09.14	CS Finance	REDACTED	REDACTED
CS 0067	REDACTED	Organisational Review of Colleges Scotland	01.06.15	31.07.15	CS Finance	REDACTED	REDACTED
CS 0047	REDACTED	Web Officer Cover	31.07.14	31.10.14	CS Finance	REDACTED	REDACTED
CS 0053	REDACTED	Web Officer Cover	01.11.14	16.01.15	CS Finance	REDACTED	REDACTED
CS 0060	REDACTED	Web Officer Cover	19.01.15	13.03.15	CS Finance	REDACTED	REDACTED
CS 0061	REDACTED	Web Officer Cover	19.01.15	13.03.15	CS Finance	REDACTED	REDACTED
CS 0064	REDACTED	Web Officer Cover	08.05.15	31.07.15	CS Finance	REDACTED	REDACTED
CS 0073	REDACTED	Web Officer Cover	03.08.15	11.09.15	CS Finance	REDACTED	REDACTED
ASC 0026	Pagoda Public Relations Ltd	Public Affairs & PR Support	01.07.12	31.06.13	CS Finance	REDACTED	REDACTED
CS 0030	Pagoda Public Relations Ltd	MSP Perceptions Survey	01.09.12	01.11.12	CS Finance	REDACTED	REDACTED
ASC 0035	Pagoda Public Relations Ltd	Public Affairs & PR Support	01.07.13	31.06.14	CS Finance	REDACTED	REDACTED
CS 0039	Pagoda Public Relations Ltd	Iposos MORI MSP Survey	01.10.13	31.10.13	CS Finance	REDACTED	REDACTED
CS 0045	Pagoda Public Relations Ltd	Public Affairs & PR Work	01.03.14	31.03.14	CS Finance	REDACTED	REDACTED
CS 0046	Pagoda Public Relations Ltd	Public Affairs & PR Work	01.07.14	31.12.14	CS Finance	REDACTED	REDACTED
CS 0055	Pagoda Public Relations Ltd	Public Affairs & PR Work	01.09.14	31.10.15	CS Finance	REDACTED	REDACTED
PO CS3175	Pagoda Public Relations Ltd	MSP Survey September 2014		Purchase Order	CS Finance	REDACTED	REDACTED
CS 0078	GSD Project Management Ltd	Employers Association Project Planning	22.03.16	31.07.16	Scottish Funding Council	REDACTED	REDACTED
ASC 0027	Snowdon Consulting Ltd	Strategic Policy Advice	01.08.12	28.02.13	CS Finance	REDACTED	REDACTED
CS 0032	Snowdon Consulting Ltd	Strategic Policy Advice	01.03.13	31.07.13	CS Finance	REDACTED	REDACTED
CS 0034	Snowdon Consulting Ltd	Strategic Policy Advice	01.08.13	30.09.13	CS Finance	REDACTED	REDACTED
CS 0040	Snowdon Consulting Ltd	Policy Support	01.11.13	15.11.13	CS Finance	REDACTED	REDACTED
CS 0033	Stark Events	Worldskills UK - The Skills Show	01.04.12	30.11.12	CS Finance	REDACTED	REDACTED
CS 0079	REDACTED	Employers Association HR Specialist Support	16.05.16	30.09.16	Scottish Funding Council	REDACTED	REDACTED
CS 0054	REDACTED	Shape, Lead and Influence a Range of Policy Areas	10.10.14	19.12.14	CS Finance	REDACTED	REDACTED
CS 0059	REDACTED	Policy Support	05.01.15	27.03.15	CS Finance	REDACTED	REDACTED
CS 0063	REDACTED	Policy Support	06.04.15	31.07.15	CS Finance	REDACTED	REDACTED

£491,943.15