



**MANCHESTER
CITY COUNCIL**

Performance, Research & Intelligence

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PO Box 532 Town Hall
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30 August 2018

Data Justice Lab

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Date: 30 August 2018

Request for Information - Reference Number: TRE/AWZBQX – INTERNAL REVIEW

Thank you for your request for an internal review of the above request for information, which was received by Manchester City Council (MCC) on 25 May 2018 and has been considered under the provisions of the Freedom of Information Act 2000. I apologise for the delay in responding to this request.

On 16 March 2018 you asked for details on who produced the software for the system and stated “If the software was produced in collaboration with a private company we would like to see the relevant contract.”

The Council responded to this information request on 17 April 2018 and provided information regarding the IBM product called iBase, more commonly known within Manchester City Council as the “Manchester Research and Intelligence Database”. In relation to the contract with IBM the Council informed you that:

“As iBase is an off the shelf product, there was no collaboration with IBM to produce the product itself. Therefore, there is no formal development contract in place or data sharing agreement, as no information was shared with IBM directly. The only contract in place is a standard software purchase agreement, which is commercially sensitive and unfortunately cannot be shared, however IBM may be able to share their standard contract template if approached.”

On 25 May 2018 you requested an internal review of the Council’s response in the following terms:

“We would like to request that this response be reconsidered, or for an internal review if required. Section 20 of the Department for Communities and Local Government’s ‘Local Government Transparency Code 2015’ which encourages greater transparency in the public interest notes:

‘The Government has not seen any evidence that publishing details about contracts entered into by local authorities would prejudice procurement exercises or the interests of commercial organisations, or breach commercial confidentiality unless specific confidentiality clauses are included in contracts. Local authorities should expect to publish details of contracts newly entered into – commercial confidentiality should not, in itself, be a reason for local authorities to not follow the provisions of this Code’.

Source: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf (page 9)

If there are circumstances that exempt these IBM contracts from publication then we would like to know the nature of these exemptions. Otherwise, in light of the Department for Communities and Local Government’s guidance, we would like to receive details of all contracts Manchester City Council has with IBM. This would include, but may not be limited to, contracts relating to iBase as well as the other IBM contracts you referred to in your original reply to our request when you said “Manchester City Council do also have other software contracts with IBM, but as these contracts are also commercially sensitive, they unfortunately cannot be shared.”

Your request relates to point 1 from your original request, so this internal review will focus solely on point 1, detailed below:

1. Details on who produced the software for the system. If this software was produced in collaboration with a private company, we would like to see the relevant contracts, data sharing agreements, etc., and details of any other collaborations between this private company and Manchester City Council.

TC952 IBM iBase Licenses and Support:

- **01/04/2018 to 31/03/2019**
- **Active via a Procurement Waiver**

Please note that there are no data sharing agreements between MCC and IBM.

iBase was purchased by MCC in 2012 as a ‘proof of concept’ product for the Research department within Performance, Research & Intelligence, as part of the Troubled Families programme.

Before the product was purchased the market was examined for equivalent products and it was determined that there was no other product available that would allow the matching

and visualisation of the data to support the work on Troubled Families to the extent that iBase could offer.

An agreement to purchase this product was given recognising IBM as the sole supplier of the software. Since this purchase the software has been successfully deployed and is being used by the Research and Intelligence team to help the evaluation and monitoring of the Troubled Families programme as originally intended.

The product has also been demonstrated to caseworkers and senior managers running the programme. It was recognised that the information being brought together would significantly assist the programme at a caseworker level. Discussions with IBM resulted in the identification of a new module (Intellishare) to sit in front of the iBase database that allowed a viewing capability.

As mentioned in the original response, iBase is an 'off-the-shelf' product. There was no collaboration with IBM to produce the product itself and as such there is no formal development contract in place or data sharing agreement, as no information was shared with IBM directly.

Your request in relation to the contract was:

"If the software was produced in collaboration with a private company we would like to see the relevant contract."

My decision on review is that MCC has not produced the software in collaboration with a private company, therefore there is no contract to review.

Section 16(1) of the Freedom of Information Act places a duty on MCC to provide advice and assistance, so far as it would be reasonable to expect MCC to do so, to persons who have made requests for information to it.

The only documentation between MCC and IBM is a standard software subscription and support renewal purchase agreement, for the provision of Licenses and Support, which MCC renew on an annual basis.

This software subscription and support renewal agreement is attached separately.

The software subscription and support renewal is attached in a redacted format as per the FOI exemption S43, relating to the commercial interests of IBM.

Having regard to all relevant factors it has been decided that the public interest in favour of maintaining the section 43 exemption by redacting the figures in the document outweighs the public interest in favour of disclosing the documents unredacted.

IBM are collaborating with other Greater Manchester councils on iBase, however any queries regarding this would need to be made to the Greater Manchester Combined Authority (GMCA)

In relation to other IBM contracts requested, you will receive a separate response.

If you are not content with the outcome of this internal review process, you have the right to apply directly to the Information Commissioner for a decision.

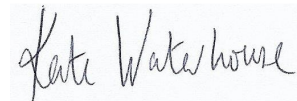
The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545700
Fax: 01625 524510
www.informationcommissioner.gov.uk

If you have any queries about this letter please contact me.

Please remember to quote the reference number above in any future communications.

Yours sincerely

A handwritten signature in black ink that reads "Kate Waterhouse". The signature is written in a cursive style with a light blue rectangular background.

Kate Waterhouse
Head of Performance, Research & Intelligence