FOI 064/2024 Response

Request

I request that you supply me with a copy of BSMHFT's most recent Microsoft Licensing Statement (MLS). I am not requesting this information to generate any business. We are not looking to buy, or, sell software licences, as we are no longer trading. We only want to understand how the organisation's Microsoft portfolio has evolved over the years.

We have reached out to almost every council/public authority in the country and have requested and received many MLS's. Unless you already have the latest MLS, could you contact your IT reseller and obtain it. your reseller will have access to this. A reseller may say they do not have the MLS, but, resellers can source these from Microsoft. If Microsoft were ever to perform an audit, BSMHFT would require an MLS for basic audit requirements. This document is something Microsoft can provide with a minimum of fuss.

Please send me the full MLS which will have the following tabs along the bottom, which, will be, in the form of an Excel document –

| Introduction | Organization Summary | License Summary | Transaction Summary | License Agreements | MPSA | **Transaction Data** | FAQ and Glossary | Pivot Data |

BSMHFT is obligated to source the requested information. Please see information from the Information Commissioner's Office website below.

(2)For the purposes of this Act, information is held by a public authority if—
(a)it is held by the authority, otherwise than on behalf of another person, or
(b)it is held by another person on behalf of the authority.

Furthermore, BSMHFT has a legal right to call for/provide this under the terms of its contract with its software reseller, therefore this information is held by the reseller on behalf of BSMHFT under s.3(2) FOIA. It is therefore subject to FOIA. This is well-established in many decisions of the Commissioner and the FTT, see for example Conscape Ltd v the Information Commissioner and the Department for Regional Development (Northern Ireland). Accordingly, the full unredacted MLS is disclosable under FOIA.

https://www.casemine.com/judgement/uk/5b35bf882c94e01ed25502cd

Response

The Trust is unable to fulfil your request for information.

This is because we do not routinely record the requested information.