



North East and North Cumbria

Our Reference North East and North Cumbria
ICB\FOI ICB721

NECS – John Snow House
Durham University Science Park
Durham
DH1 3YG

Tel: 0191 301 1300
E-mail: necsu.icbfoi@nhs.net

13 February 2024

By Email

Dear Applicant

Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)

Thank you for your request received by North of England Commissioning Support (NECS) on 19 January 2024 for information held by NHS North East and North Cumbria Integrated Care Board (NENC ICB) under the provisions of the Freedom of Information Act 2000.

NENC ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley (which covers the 5 councils that make it up – Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees).

Please find the information you requested on behalf of the ICB as follows.

Your Request

I am writing to submit a Freedom of Information request for information related to the organisation's contracts register, procurement strategy document, and contact details. Please find the detailed requests below:

1. Contract Register Request:

I am seeking the full and entirety of the organisation's contract register or database. The register should include the following columns/headings or something similar:

- Contract Reference -Unique reference number associated with the contract.
- Contract Title
- Procurement Category
- Supplier Name
- Spend (Total, Annual or contract value)
- Contract Duration
- Contract Extensions
- Contract Start Date

- Contract Expiry Date
- Contract Description [Please provide me with as much detail as possible.]
- Contact Owner (Person that manages the contract register)
- Contact details of section 151 officer
- CPV codes/Pro-Class

If any of the headings within your contract register has not been provided, please state this within your response. Please provide the contract's register file in Excel format.

2. Procurement Strategy Document Request:

- Can the organisation provide a full version of their Procurement Strategy for the fiscal year 2023-2024?
- If the Procurement Strategy is a strategic direction (2022-2025) instead of an annual plan, please provide an update document for 2023-2024. If an update cannot be provided, please provide information on when an update is planned to be published.
- We require the full document. If any parts of this document have been removed, please state this within your response.

3. Contact Details Request:

- Provide contact details of the person responsible for API or data sharing, including [Name, Job Title, Telephone, Email Address].
- Provide contact details of the person responsible for the actual contracts register, including [Name, Job Title, Telephone, Email Address].

IMPORTANT:

1. If the organisation has a CRM system or a similar system, ensure there is a facility to download and extract contract data.
2. If providing a weblink to a portal, ensure that all contracts are included, as some organisations may only upload a small portion of their contracts.
3. For organisations planning to make an exemption around spend, clarify that the spend information requested is an overall figure, and a complete breakdown is not required.

Please provide the contract's register file in Excel format.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested.

1. Please find enclosed a copy of our current contract register including the fields you have requested that we hold. Please note that Section 151 Officer requirements apply to Local Authorities, not the NHS. The extract provided is a collation of our current Place-based registers for healthcare contracts maintained by NENC ICB. NENC ICB is in the process of developing a centralised ICB contract register that will incorporate additional information.
2. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested. However, The ICB's strategy can be found here: <https://northeastnorthcumbria.nhs.uk/integrated-care-partnership/> In accordance with s.21 of the FOIA, we are not required to provide information in response to a request if it is reasonably accessible to you by other means.

The ICB's procurement activity will support the delivery of this strategy but the ICB does not hold a document referred to as a 'procurement strategy'.

3. Graham Evans is Executive Chief Digital and Information Officer and is responsible for API and Data Sharing. David Gallagher, Chief Contracting and Procurement Officer, has overall responsibility for the contract register.

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does hold the requested email contact information however, it is exempt from disclosure under s.40(2) of the FOIA2000 as it would constitute personal data as defined by Article 4(1) of the UK General Data Protection Regulation (UK GDPR).

However, section 40(8) of FOIA confirms that for the purposes of considering disclosure, a public authority may consider the legitimate interest's lawful basis for processing. In considering the balance between identified legitimate interests and the rights and interests of the individuals concerned, we must consider if the proposed disclosure would be within the reasonable expectations of the individual when the data was collected.

We believe that disclosure of the personal information relating to these individuals would be contrary to the requirements of Article 5(1)(a) of the GDPR; namely that information must be processed lawfully, fairly and in a transparent manner. These individuals would have no expectation that this information would be made publicly available, and we have not identified a lawful basis that would allow or require us to disclose this information.

We have followed the Information Commissioner's guidance in assessing whether it is fair to disclose the information under FOIA. This involves considering the nature of the information, the expectations of, and potential harm (of disclosure) to, the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

In considering a disclosure under FOIA, we must consider that any information released under the Act will be placed in the public domain, through our own disclosure log or by other means.

In accordance with our duty to provide advice and assistance under s.16 FOIA 2000, you can direct all queries to David Gallagher and Graham Evans using the ICB's Corporate Mailbox nencicb-sun.icbcorporateoffice@nhs.net and marked for their attention. The address of North East and North Cumbria Integrated Care Board's Head Office is Pemberton House, Colima Avenue, Sunderland, SR5 3XB and the main office telephone number is 0191 512 8484.

In accordance with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, you should write to the Senior Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your review, you do have the right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act 2000. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.org.uk

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 www.legislation.gov.uk . This will not affect your initial information request.

Yours sincerely

S Davies

S Davies
Information Governance Officer