



## North East and North Cumbria

Our Reference North East and North Cumbria  
ICB\FOI ICB734

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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 24 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**

Under the Freedom of Information Act, please could you send me the recent details of the tender for the UTC at James Cook including budget for the building and staffing model and any information on the bid for the contract. I would in particular like to see the bid from James Cook to the ICB.

#### **Our Response**

On this occasion it is not possible to provide all the requested information. In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm the ICB does not hold any of the information requested in relation to a bid from James Cook to the ICB. The ICB can confirm that South Tees Hospitals did not submit a bid, therefore there is no bid to share.

The documents relating to the tender are attached.

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000 (FOIA 2000), the ICB does hold information in relation to staff transferred to the new organisation TUPE

regulations however it is exempt from disclosure under s.40(2) of the FOIA 2000 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.

Where information has been removed from the accompanying file (NECS496 ITT Document 8 FMT v2 29 09 23\_Redacted), we have replaced the text with a black rectangle.

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](http://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](http://www.legislation.gov.uk) . This will not affect your initial information request.

Yours sincerely

*S Davies*

**S Davies**  
**Information Governance Officer**