



# North East and North Cumbria

Our Reference North East & North Cumbria  
ICB FOI 156

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22 December 2022

By Email

Dear

**Freedom of Information Act 2000 - Request for Information – NHS North East & North Cumbria Integrated Care Board.**

Thank you for your request received by North of England Commissioning Support (NECS) on 02 December 2022 for information held by NHS North East and North Cumbria Integrated Care Board (ICB) under the provisions of the Freedom of Information Act 2000.

For information Clinical Commissioning Groups ceased to exist on 30 June 2022. Services that were previously delivered by the CCG are now being delivered by the successor organisation NHS North East and North Cumbria (ICB). This covers the areas of County Durham, Newcastle Gateshead, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland and Tees Valley.

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

**Your Request**

We would like to request the following information: -

- Prescribing decision support solution currently in place in the ICB, including each of the former CCGs that form part of the ICB, including:
  - Award value of the contract
  - Commencement Date of Contract
  - Duration of initial term and extension term of the contract

- Whether any procurement exercise has been launched to re-procure any or all of the contract(s).

I have attached an excel table for ease of completion.

## **Our Response**

The Integrated Care Board does hold this information but considers this information exempt from disclosure under *Freedom of Information Act 2000, Section 43(2) (Commercial Interests)*. Releasing this information would adversely affect the commercial interests of the service provider, First Databank UK.

Section 43(2) is a prejudice based 'qualified' exemption and is subject to the public interest test. This means that not only does the information have to prejudice one of the purposes listed, but before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

## **Public Interest Test**

### **Considerations in favour of disclosure:**

- The inherent public interest in the openness and transparency of public authority dealings
- The public interest in demonstrating that officials are spending public money wisely and getting best value, without fear or favour

### **Considerations against disclosure:**

- Disclosing this information may cause more economically efficient providers to raise prices.
- Disclosing this information could prejudice the ICB's ability to obtain best quality of service and value.
- Disclosing this information could weaken the ICB's position as potential companies would not have confidence that the ICB would keep sensitive financial data private.
- The inherent public interest in avoiding the prejudice specified in the exemption.

### **Conclusion:**

The ICB recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them. However, there is also a public interest in the ICB being able to work within competitive markets where results in a financial or resource benefit is put to the wider public interest. Having undertaken the balancing exercise, the ICB has concluded that the public interest in maintaining the exemption outweighs the public interest in disclosing the requested information having regard to the effect that the disclosure would not be in the public interest.

Given that the definition of 'public' under the Act is considered to be the public at large, rather than just the individual applicant or a small group of people and that 'public interest' is not necessarily the same as what interests the public, it is considered that to release this sensitive information into the public domain is likely to result in prejudice to the commercial interests of the service provider which is not outweighed by the wider public interest for disclosure.

In line 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 make a complaint or 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 complaint, you may apply directly to the Information Commissioner for a decision. 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.gov.uk](http://www.ico.gov.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

*Pamela Coxon*

**Pamela Coxon**  
**Information Governance Officer**