



## Freedom of Information request & West Norfolk CCG response

### WN-2017-00054 – Local Area Network (LAN) Contract

Please can you send me the organisation's Local Area Network (LAN) contract, which may include the following:

- Support and Maintenance- e.g. switches, router, software etc
- Managed
- Installation
- Cabling

1. Existing Supplier: Who is the current supplier?
2. Annual Average Spend for Supplier: What is the annual average spending on the supplier above? If there is more than one supplier please split the annual averages spend for each supplier.
3. Number of Users: Please can you provide me with the number of users this contract covers. Approximate number of users will also be acceptable.
4. Number of Sites: The number of sites where equipment is supported by these contract.
5. Contract Type: Managed, Maintenance, Installation, Software
6. Hardware Brand: What is the hardware brand of the LAN equipment?
7. Contract Description: Please provide me with a brief description of the overall contract.
8. Contract Duration: What is the duration of the contract is and can you please also include any extensions this may include.
9. Contract Expiry Date: When does the contract expire?
10. Contract Review Date: When will the organisation is planning to review the contract?
11. Responsible Officer: Who within the organisation is responsible for each of these contract(s) please provide me with contact details including name, job title, contact number and email address?

If the LAN maintenance is included in-house please include the following information:

1. Hardware Brand: What is the hardware brand of the LAN equipment?

- 2. Number of Users:** Please can you provide me with the number of users this contract covers. Approximate number of users will also be acceptable.
- 3. Number of Sites:** Estimated/Actual number of sites the LAN covers.
- 4. Responsible Officer:** Who within the organisation is responsible for LAN please provide me with contact details including name, job title, contact number and email address?

*The Norfolk & Waveney CCGs procure IT services wholly from NHS NEL Commissioning Support Unit. It is advised you contact NEL CSU for any further queries regarding their LAN maintenance systems.*

*You are able to find information on how to send an FOI request to the CSU via the following link: <http://www.nelcsu.nhs.uk/aboutus/foi.htm>*

**If the contract is managed by a 3<sup>rd</sup> party e.g. Commissioning Support Unite can you please provide me with**

- 1. Existing Supplier:** Who is the current supplier?
- 2. Number of Users:** Please can you provide me with the number of users this contract covers. Approximate number of users will also be acceptable.
- 3. Number of Sites:** Estimated/Actual number of sites the LAN covers.
- 4. Contract Type:** Managed, Maintenance, Installation, Software
- 5. Hardware Brand:** What is the hardware brand of the LAN equipment?
- 6. Contract Description:** Please provide me with a brief description of the overall contract.
- 7. Contract Duration:** What is the duration of the contract is and can you please also include any extensions this may include.
- 8. Contract Expiry Date:** When does the contract expire?
- 9. Contract Review Date:** When will the organisation is planning to review the contract?
- 10. Responsible Officer:** Who within the organisation is responsible for each of these contract(s) please provide me with contact details including name, job title, contact number and email address?

*The information requested is exempt under Section 43, Commercial Interests of the Freedom of Information Act 2000. The CCG is currently entering a review phase of support services and is therefore not able to provide the information at this time to comply with the Lead Provider Framework process administered by NHS England. The timescales for adaptations to services indicate the information will be applicable for publication later in the year. Should you wish to receive this information at that point, please indicate this in a response to this email and the CCG will note the requirement to respond once the information is applicable for publication.*

*The CCG confirms it holds information on the contract held with NHS NEL Commissioning Support Unit for IT and GP IT services but are withholding it under section 43(2) of the FOIA. Section 43 of the Act provides an exemption for information, the disclosure of which would or would be likely to prejudice the commercial interests of any person (including the interests of a public authorities, such as CCGs).*

*The Information Commissioner's relevant guidance states that:*

*“...a commercial interest relates to a person’s ability to participate competitively in a commercial activity, i.e. the purchase and sale of goods or services”*

*It is considered that the commercial interests of the providers would be prejudiced. Disclosure would be likely to result in damage to their reputation and loss of confidence in services areas where deficiencies are identified. This would also damage the CCG’s ability to commission best value for services as providers would be less likely to do business with the CCG should it be a requirement their company suffers reputational damage.*

*As this is a qualified exemption we must consider whether the public interest in withholding the information outweighs the public interest in disclosing it.*

*Factors in favour of disclosure of the information are as follows:*

- 1. Furthering the understanding of and participation in the public debate of issues of the day.*
- 2. Promoting accountability and transparency by public authorities for decisions taken by them and in the spending of public money.*
- 3. Allowing individuals and companies to understand decisions made by public authorities affecting their lives.*

*Factors in favour of non-disclosure are as follows:*

- 1. There is a strong public interest in ensuring that the commercial interests of the failed bidders are not prejudiced. This would be likely to result in reputational damage and affect their business confidence.*
- 2. The CCG would be unable to attract best value for services for future procurement decisions as there would be less incentive for providers to bid.*
- 3. Disclosure of the withheld information into the public domain could endanger true and fair competition.*

*The CCG considers that there is a public interest in disclosure of the withheld information as it promotes openness and transparency around surrounding public spending within the NHS. However, equally, the CCG does not consider that it would be in the public interest to damage their suppliers’ commercial position by disclosure.*

*On balance the CCG considers that the public interest in favour of disclosure is outweighed by the public interest in favour of maintaining the exemption in this case. Section 43(2) FOIA was therefore correctly applied to withhold the requested information.*