



Freedom of Information request & West Norfolk CCG response

WN-2017-00106 - Financial Payments or Benefits in Kind From Private Sector Companies or Charities

1. Please confirm or deny that the clinical commissioning group received financial payments or benefits in kind from private sector companies or charities in 2015.
2. If the clinical commissioning group received any financial payments or benefits in kind from private sector companies or charities in 2015, please state:
 - a) how much each payment was for, and whether this value is exclusive or inclusive of VAT
 - b) the date of the payment
 - c) the organisation or individual from which the payment was received
 - d) what was funded through the payment or benefit
3. Please confirm or deny that the clinical commissioning group received financial payments or benefits in kind from private sector companies or charities in 2016.
4. If the CCG received any financial payments or benefits in kind from private sector companies or charities in 2016, please state:
 - a) how much each payment was for, and whether this value is exclusive or inclusive of VAT
 - b) the date of the payment
 - c) the organisation or individual from which the payment was received
 - d) what was funded through the payment or benefit

For all questions, if this information is usually collected by tax year, rather than calendar year, please provide data for the tax years 2015/16 and 2016/17, rather than the calendar years 2015 and 2016.

Clarification Received

I am interesting in any payments or income received from commercial organisation or charities. Other CCGs have provided information about funding they were given for training or events, as well as rebates from pharmaceutical companies, but I'm after any payments from private sector organisations or charities.

The only payments or benefits in kind received by the CCG from private sector companies or charities in 2015 and 2016 are prescribing rebates. The Norfolk CCGs had rebate agreements with the following companies:

2015/16	2016/17
Aspire	Ascensia
AstraZeneca	Aspire
Bayer	AstraZeneca
Coloplast	Boehringer Ingelheim
Ethypharm	Coloplast
Ferring	Daiichi Sankyo
Fresenius	Ethypharm
Genus	Ferring
GlucoRx	Fontus
GSK	GlaxoSmithKline
Sanofi	GlucoRx
	Johnson and Johnson
	MSD
	Sandoz
	Sanofi

However, the amounts of these rebates are being withheld under section 43(2) of the FOI Act 2000.

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 suppliers).

It is considered that the commercial interests of the providers would be likely to be prejudiced if we disclose the information requested, as it would alert their competitors to their pricing strategies. The CCG's interest would be prejudiced if it was no longer able to secure rebates and thus saving money for the taxpayer.

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.*

Factors in favour of non-disclosure are as follows:

1. *There is a strong public interest in ensuring that the commercial interests of the companies providing the services are not prejudiced. If such prejudice occurs it would enable competitors to undercut the organisations when bidding for contracts of a similar nature.*
2. *Disclosure of the withheld information into the public domain could decrease the differentiation between suppliers, as processes, practices and commercial offerings may become homogenised, thus endangering true and fair competition. This would further hinder the ability of suppliers to act competitively within the market. Internal processes that allow such suppliers to create and maintain a competitive advantage would be lost as they become public knowledge, creating unfair competition and stifling innovation and creativity.*
3. *An expectation that the CCG is able to withhold information valuable to a supplier ensures that the CCG has a reputation of being a reliable partner and is therefore able to secure best value for public money when commissioning services and thus saving tax payers' money.*

The CCG consider 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, the CCG does not consider that it would be in the public interest to damage their suppliers' commercial position by disclosure of current commercially sensitive pricing information which would be relied upon by their competitors/bidders to obtain a commercial advantage in upcoming procurements.

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.

For any future correspondence regarding this request, please quote the reference number **FOI.17.WNO106**