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Request for Information Reference: 02.23.51

FOI Direct line: 01325 743700
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Email only

3rd March 2023

Dear

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 20th February 2023 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to Infrastructure Information and I am providing the following information in response to your specific questions:

Can you please provide an update on the following 3 questions regarding your Trust's Infrastructure?

1. **For each element of IT infrastructure below, please provide the requested details (Main provider, annual spend 2021-2022, contract end date):**

- **Desktop management** - Microsoft
- **Networking** - Cisco, 21/21 £2.1m, contract end 2026
- **Data Centre** - Durham County Council, Rolling Contract spend

The Trust are unable to provide the information as requested on the grounds that this information is commercially sensitive and has, therefore, been withheld pursuant to Section 43 of the Act.

Section 43 (2) exempts from disclosure the following:

(2) Information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person including those of the public authority holding the information.

Our supplier has made clear representation that pricing for the service is commercially sensitive information, the disclosure of which would be likely to prejudice their commercial interests, as it would provide alternative bidders with an understanding of their costs (which would not be reciprocated) with respect to similar contracts in the NHS, thereby undermining their ability to tender, on fair and equal terms, for such contracts. The Trust considers that there is potential for such harm to arise with reasonable proximity and, therefore, that the exemption under Section 43(2) of the Act is engaged.

The Trust acknowledges the public interest in publication of the information; specifically the interest in transparency with respect to expenditure on services, as a means of assisting the taxpayer in evaluating their value for money. However, there is a competing public interest in preserving fair market competition and the ability of public authorities to obtain value for money when sourcing services. In previous rulings the Information Commissioner has made clear that the Freedom of Information Act is not intended to distort fair market competition. In this case, the Trust therefore considers that the public interest in preserving fair competition outweighs the general public interest in transparency and is therefore applying the exemption under Section 43(2).

- **Server management** - VMware via Dell OEM, zero spend, contract end date is 2028
- **IT Security** - Various suppliers, £950k spend during 2021/2022 but covering a 5 year period. Contract end dates is September 2026.

2. For each of the elements below, please provide details about your cloud provider (name, contract end date):

- **Data storage** - Not Applicable
- **Networking** - Not Applicable
- **Back-up and archive** - Not Applicable
- **Application databases** - Not Applicable
- **Big Data analytics databases** - Not Applicable

3. For each of the elements below, does your organisation plan to move to a cloud-based service in the next 2 years?

- **Data storage** - No
- **Networking** - No
- **Back-up and archive** - No
- **Processing and computer capacity** - No
- **Application databases** - No
- **Analytics databases** - No
- **Email and collaboration** - Already consume NHS Mail Services from NHS England
- **Other (Please specify)** - Not Applicable

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 on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via cdda-tr.cddftfoi@nhs.

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; www.ico.gov.uk.

Yours sincerely

Corporate Records and Freedom of Information Facilitator