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Request for Information Reference: 11.19.25

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Email only

11 December 2019

Freedom of Information Act 2000 – Request for Information

Thank you for your request for information received on 13 November 2019 in relation to the County Durham and Darlington NHS Foundation Trust (Trust). We are dealing with your request under the provisions of the Freedom of Information Act 2000.

You requested information regarding web filtering solutions. Specifically you requested information as follows:

1. Which Web Filtering Solution do you currently have implemented at the Trust?

Answer: McAfee

2. How many users does this support?

Answer: 6,500

3. Who was this purchased through?

Answer: Softcat.

4. How much is the current contract value and how many years does this cover?

Answer: The current contract has been extended for a further 2 Years.

The value of the Trust's contract with Softcat is commercially sensitive data.

We 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.

The Trust was able to agree a one off price with the supplier, which if disclosed could potentially impact upon the supplier's negotiations and bids with other clients, or potential clients. In turn, future negotiations with the Trust might also be impacted with the potential for the Trust to pay a higher price.

Disclosure of the contract price would, of itself, provide competitors and customers with information on the supplier's commercial position which would:

- (a) Be misleading without a fuller understanding of the underpinning commercial arrangements; and
- (b) Provide competitors and customers with information that could distort the supplier's ability to compete and negotiate fairly in the market place.

Disclosure of further information on the underpinning commercial arrangements would be subject to the risk outlined in (b) above.

As such both the supplier and the Trust consider that disclosure of the contract value would be likely to harm the commercial interests of the supplier. Furthermore the Trust's considers that any distortion of the supplier's ability to negotiate fairly within the market would be likely to impact on the Trust's ability to continue to obtain value for money for the taxpayer with respect to the supplier's system or any alternative offering. The exemption in Section 43(2) is therefore engaged, in that both the Trust's and the supplier's commercial interests would be likely to be prejudiced.

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 completion 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).

5. When is the Web Filtering contract due to expire?

Answer: December 2021.

6. Who is in charge of reviewing the web filtering contract/solution?

Answer: The IT Infrastructure Manager: Mr Tony McGivern, telephone: 01325744598

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 County Durham and Darlington NHS Foundation Trust website.

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 way your request for information has been handled, you can request a review by writing to:

The Chief Executive
County Durham & Darlington NHS Foundation Trust
Darlington Memorial Hospital
Hollyhurst Road
Darlington, DL3 6HX

If, you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

Telephone: 0303 123 1113
Website: www.ico.gov.uk.

There is no charge for making an appeal.

Yours sincerely

Joanna Tyrrell
Freedom of Information Officer