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Request for Information Reference 12.19.29

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Email only

17 January 2020

Freedom of Information Act 2000 – Request for Information

Thank you for your request for information received on 17 December 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 communications and telephony. Specifically you requested information as follows:

- 1. *Please confirm the manufacturer of your telephony system(s) that are currently in place?***

Answer: Avaya.

- 2. *When was the installation date of your telephony equipment?***

Answer: 2010.

- 3. *Who maintains your telephony system(s)?***

Answer: BT.

- 4. *Please confirm value of the initial project and value of annual support/maintenance services (in £)?***

Answer: 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.

Our supplier has made clear representation that pricing for the initial project and value of annual support/maintenance services 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 this contract (the renewal date for which is proximate) and similar current 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).

5. *When is your contract renewal date?*

Answer: July 2020.

6. *Please confirm the manufacturer of your Contact centre system(s) that are currently in place?*

Answer: Netcall.

7. *When was the installation date of your contact centre infrastructure?*

Answer: 2015.

8. *Who maintains your contact centre system(s)?*

Answer: Netcall.

9. Please confirm value of the initial project and value of annual support/maintenance services (in £)?

Answer: 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 is shortly to review the contract and wishes to preserve fair market competition with respect to any negotiations or tender process associated with that review. The Trust considers that publication of the costs of the incumbent supplier, which would make them transparent to competitors without reciprocation, could distort any such negotiations or tender, potentially undermining access to prices based on true costing and fair and equal terms. In such a case there is, in our view, a reasonable prospect that the Trust's ability to obtain value for money could be impacted. We therefore consider that the Trust's commercial interests would be likely to be prejudiced by the disclosure of the information and that the exemption 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 as a means for the Trust to obtain value for money outweighs the general public interest in transparency and is therefore applying the exemption under Section 43(2).

10. How many contact centre employees/agents do you have?

Answer: 120.

11. When is your contract renewal date

Answer: April 2020.

12. Do you use Unified Communications or Collaboration tools such as Microsoft Skype for Business/ Cisco/Avaya/Mitel? If yes, what tools are you currently using?

Answer: Yes. Cisco Jabber.

13. How many employees do you have overall within your organisation?

Answer: Headcount 6,634.

14. Who currently provides your calls and lines?

Answer: BT.

15. What is your current annual spend on calls and lines?

Answer: Answer: 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.

Our supplier has made clear representation that pricing for the current annual spend on calls and lines 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 current 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).

16. When is your contract renewal date?

Answer: July 2022.

17. Are you using SIP or ISDN?

Answer: Both.

18. Do you use a wide area network?

Answer: Yes.

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.



County Durham
and Darlington
NHS Foundation Trust

There is no charge for making an appeal.

Yours sincerely

Joanna Tyrrell
Freedom of Information Officer