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 Darlington
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Request for Information Reference: 09.20.03

Email: cdda-tr.cddftfoi@nhs.net

Email only

30 September 2020

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 3rd September 2020 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 risk management and compliance IT systems and I am providing the following information in response to your specific questions:

I am writing to you under the Freedom of Information Act 2000 to request the following information regarding your usage of risk management and compliance IT systems. Please can you provide the specific information in the form below?

Where the Trust uses a supplied software incident & risk management system please state who the supplier is?	What is the contract term (Months)	What is the total value of the contract?	When does the contract expire?	Where the Trust uses a supplied software quality & compliance system please state who the supplier is?	What is the contract term (Months)	What is the total value of the contract	When does the contract expire?
Ulysses (2000) Ltd.	12 Month Rolling	C£6,000	12/08/2021	Inphase	12 months	*	June 2021

* With regards to question 3 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 supplier has informed the Trust that, to disclose this information would be likely to place the supplier at a commercial disadvantage in future negotiations within the marketplace. The current contract is for an evaluation period and this is reflected in the pricing package that the Trust has been offered. The supplier is active in the marketplace and the pricing information is very much live information.

The Trust considers that the service provider's negotiating position would be likely to be undermined if different providers were able to undercut the provider in future negotiations for this service. The Information Commissioner has previously confirmed that the Freedom of Information Act is not intended to undermine fair market competition. The Trust considers that the public interest in preserving a fair negotiating position for the service provider and the ability to achieve VFM for the Trust outweighs the public interest in transparency.

The Trust is therefore applying the exemption available under S.43(2) of the Act – Prejudice to Commercial Interests.

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 am sorry that I have not been able to provide all of the information you requested, however I hope that my explanation as to why this is not possible has been satisfactory. 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

Joanna Tyrrell
Freedom of Information Officer