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Request for Information Reference: 08.22.52

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Email only

13th September 2022

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 22nd August 2022 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 mobile phone and data contracts and I am providing the following information in response to your specific questions:

1. What is the name of your organisation?

County Durham & Darlington NHS Foundation Trust

2. How many employees are at your organisation?

Headcount - 7,114
Full Time Equivalent - 6,256.83

3. How many mobile phone and mobile broadband (data only) connections do you currently have in total?

2654

4. How many of these are data only (for laptops and tablets)?

930

5. How many of these are voice and data (for mobile phones)?

1724

6. Who is your mobile phone network provider?

Vodafone for voice 7 Data. BT/EE for data only

7. Do you have a shared data bundle or individual allowances?

Shared bundle

8. What is your organisations average total data usage across all connections?

Approximately 2.5B per month

9. What was your total spend on mobile phone contract and overage costs in:

- a. April 2021
- b. May 2021
- c. June 2021
- d. July 2021
- e. August 2021
- f. September 2021
- g. October 2021
- h. November 2021
- i. December 2021
- j. January 2022
- k. February 2022
- l. March 2022

10. Do these numbers include VAT?

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 the spend on our mobile phone contract broken down monthly 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).

The overall spend is available on the Trust's contract register: <https://www.cddft.nhs.uk/media/549261/contract%20register%20260822v2.pdf>

11. When did you renew your mobile phone contract?

April 2022

12. How long does your contract run for?

3 years

13. What is the renewal date of your contract?

April 2025

14. How did you source your contract?

Advertise on contracts finder/find a tender service or use of public sector framework agreements, for example Crown Commercial Services or NHS Shared a business service.

15. What is the value of your hardware/technology/transformation fund provided with the contract (if none provided please mark as n/a)

£170.000

16. Who is the shareholder/primary contact for this contract?

Peter McGuire

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