

Our Ref: 681
October 2024

Freedom of Information Act Request

FOI request in accordance with the Freedom of Information Act 2000.

I am writing to submit a Freedom of Information request for information related to the organisation's contracts register, procurement strategy document, and contact details. Please find the detailed requests below:

1. Contract Register Request:

I am seeking the full and entirety of the organisation's contract register or database. The register should include the following columns/headings or something similar:

- Contract Reference -Unique reference number associated with the contract.
- Contract Title
- Procurement Category –
- Supplier Name
- Spend (Total, Annual or contract value)
- Contract Duration
- Contract Extensions
- Contract Start Date
- Contract Expiry Date
- Contract Description [Please provide me with as much detail as possible.]
- Contact Owner (Person that manages the contract register)
- Contact details of section 151 officer
- CPV codes/Pro-Class
- How many contracts are currently held on the contract register

If any of the headings within your contract register has not been provided, please state this within your response.

Please provide the contract's register file in Excel format.

After careful consideration, we regret to inform you that we are unable to provide the information you have requested. Section 43 of the Freedom of Information Act 2000 allows for information to be exempt from disclosure if it constitutes a trade secret or would likely prejudice the commercial interests of any person (including the public authority holding it).

Explanation of the Exemption:

Section 43(2) states:

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)

We have determined that the release of the requested information would likely prejudice the commercial interests of our contractors.

Contract Information Covered Under Exemption:

1. Pricing and Cost Information

This section includes detailed pricing models, cost breakdowns, profit margins, and other sensitive financial data. Disclosure of this information would allow competitors to undercut our pricing strategies and would result in significant competitive harm to our business operations.

2. Client Information and Business Strategy

This portion contains business strategies, client information, and market research that is highly sensitive and commercially valuable. Disclosure would reveal confidential strategic decisions and relationships, which could harm our competitive standing and client trust.

Justification

- **Likelihood of Competitive Harm:** The release of this information would cause substantial harm to Veolia by enabling competitors to gain insight into our pricing, business strategies, and proprietary technologies. Such disclosure would erode our market position and affect our ability to compete effectively.
- **Voluntary Submission:** In cases where the information was submitted voluntarily (e.g., as part of a bid or proposal), it was provided with the understanding that it would not be publicly disclosed, and doing so would violate the confidentiality of that arrangement.
- **Commercial Sensitivity:** The information in the identified sections is not publicly available and has been protected from disclosure to ensure the commercial success of the business.

Public Interest Test:

Although Section 43 is a qualified exemption and requires a public interest test, we have conducted this test and concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure. While we recognize the importance of transparency, in this case, the need to protect sensitive commercial information is paramount.

2. Procurement Strategy Document Request:

- Can the organisation provide a full version of their Procurement Strategy for the fiscal year 2024-2025? The Trust's Strategy is in the process of being developed.
- If the Procurement Strategy is a strategic direction (2022-2025) instead of an annual plan, please provide an update document for 2023-2024. If an update cannot be provided, please provide information on when an update is planned to be published. – see attached strategy from 2019-2022

- We require the full document. If any parts of this document have been removed, please state this within your response.

3. Contact Details Request:

- Provide contact details of the person responsible for API or data sharing, including [Name, Job Title, Telephone, Email Address].

Richard Somerset, Head of Procurement, r.somerset@nhs.net

- Provide contact details of the person responsible for the actual contract's register, including [Name, Job Title, Telephone, Email Address].

Richard Somerset, Head of Procurement, r.somerset@nhs.net

IMPORTANT:

In the past I have received a response from organisations and have been given a link for the contract register (Chest) which only holds 157. I have been told by the procurement department has around 700 contracts. Please can you provide me with the full contract register.

1. If the organisation has a CRM system or a similar system, ensure there is a facility to download and extract contract data.
2. If providing a weblink to a portal, ensure that all contracts are included, as some organisations may only upload a small portion of their contracts.
3. For organisations planning to make an exemption around spend, clarify that the spend information requested is an overall figure, and a complete breakdown is not required.

Please provide the contract's register file in Excel format.

Thank you for your prompt attention to this matter.

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