



FOI 5973

Royal Liverpool University Hospital

Prescot Street
Liverpool
L7 8XP

Tel: 0151 706 2000

Fax: 0151 706 5806

Freedom of Information Department

18th September 2019

Dear Applicant,

Thank you for your request under Section 1a of the Freedom of Information Act.

I can confirm that we hold the information that falls within the description specified in your request.

The following answers correspond to the points made in your request:

I would like an electronic copy of the successful quality (technical) tender submittal for the Royal Liverpool hospital project.

- The Trust is withholding this information under sections 31 (Law enforcement) and 38 (Health & Safety) of the Freedom of Information Act. Section 31 (1) (a) states that information is exempt information if its disclosure would, or be likely to, prejudice the prevention or detection of crime, while section 38 (1) (b) states that information is exempt if its disclosure would, or would be likely to endanger the safety of any individual

We have assessed the public interest in disclosure and conclude:

- Release would be identified as openness and transparency;

We have assessed the public interest in exemption and conclude:

- Release could place the Trust's staff and assets in danger of attack, causing disruption or damage to systems
- Release could place the general public in danger of attack resulting from a disruption or damage to systems

Our conclusion is that the balance of public interest lies in withholding this information under both of these exemptions.

The Trust cannot rely on section 12 of the Freedom of Information Act (*which exempts the release of information if the cost of complying exceeds the appropriate limit and is of disproportionate effort*) when estimating the cost of reviewing and redaction, but can engage section 14 of the Freedom of Information Act *which does not oblige a public authority to comply with a request for information if the request is vexatious*. The Trust deems this request as vexatious and has based its decision on the following guidance from the Information Commissioners Office (ICO):

Where we all make a difference

Burden on the authority

The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.

As well as:

**The requester has asked for a substantial volume of information AND
The authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the ICO AND**

Any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

- The Trust has identified the requested material, however, in order for us to release that material we would be required to review the entire technical tender submittal in order to prepare the information for disclosure, namely, identifying and redacting any commercially sensitive data, personal data or even advising if any of the data is already within the public domain.

The Trust would like to make the distinction that when engaging section 14 it is the request that is considered vexatious and not the requester.

Right to Review

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Information Assurance Officer
2nd Floor Derwent House
Royal Liverpool University Hospital
London Road
Liverpool
L3 8JN
foi@rlbuht.nhs.uk

Please remember to quote the above reference numbers in any future correspondence regarding this matter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Yours sincerely

Information Assurance Manager
Information Governance Office
0151 706 3149
Foi@rlbuht.nhs.uk

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