



Mr Chris Smith

By email to: request-1144509-7151b0da@whatdotheyknow.com

5 August 2024

Dear Mr Smith,

Freedom of Information Request Reference FOI-1516571

Thank you for your request dated 5 July to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

DHSC holds the information you have requested.

However, we are withholding this information under section 43(2) (commercial interests), section 23 (security matters), and section 31 (law enforcement) of the FOIA.

DHSC is applying section 43(2) to some of the information it holds. Section 43(2) exempts from the general duty to release information which would, or would be likely to, prejudice the commercial interests of any entity, including the public authority holding the information.

Section 43 is a qualified exemption and, as such, we are required to assess the public interest in withholding this information against that of its release.

We recognise the general public interest in making information available in the interests of greater transparency and openness, and a valid public interest in disclosing information about services that are procured using public money. However, we also take into account the fact that this information is commercially sensitive. Disclosure of certain information may place a third party at a commercial disadvantage, which would discourage future commercial partner relationships with DHSC, and consequently undermine DHSC's ability to fulfil its role in securing best value for money. Therefore, DHSC takes the view that, in this case, the public interest lies in ensuring that this information is not disclosed.

As referred to above, DHSC is also applying section 23(1) and section 31(1) (a) (b) (c) and (g) to some of the information.

Section 23 relates to information supplied by, or relating to, bodies dealing with security matters. DHSC is applying this exemption as some of the information 'relates' to the National Crime Agency (NCA). The NCA is one of the bodies listed in section 23(3) of the FOIA.

Section 31 relates to Law Enforcement. We consider some of this information to be exempt under section 31(1)(a)(b)(c) and (g), which is where disclosure of information may prejudice: a) the prevention or detection of crime; b) the apprehension or prosecution of offenders; c) the administration of justice; and g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2).

Regarding our use of 31(1)(g), where section 31(2) is engaged, we are claiming the following purposes:

- a) ascertaining whether any person has failed to comply with the law; and
- b) ascertaining whether any person is responsible for any conduct which is improper.

Section 31 is a qualified exemption and, as such, we are required to assess the public interest in withholding this information against that of its release.

DHSC is aware that there is a clear public interest in disclosure of information and recognises that openness in government may increase public trust in and engagement with government. It also recognises a public interest in assuring the public that effective arrangements are in place for the prevention and detection of crime.

However, our assessment is that the release of this information at this time, may undermine an ongoing investigation, and/or prejudice the outcome of any future court proceedings. It may also be contrary to the public interest to disclose information which would facilitate the commission of crime. Consequently, DHSC is satisfied that this information remains exempt under section 31(1)(a)(b)(c) and (g) of the FOIA.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be sent to freedomofinformation@dhsc.gov.uk or to the address at the top of this letter and be submitted within two months of the date of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team
freedomofinformation@dhsc.gov.uk

Annex

From: Chris Smith <request-1144509-7151b0da@whatdotheyknow.com>
Sent: Friday, July 5, 2024 2:40 PM
To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>
Subject: Freedom of Information request - DHSC PPE COVID-19 contract worth £122,000,000 with PPE Medpro for gowns

Dear Department of Health and Social Care, This FOI request is in connection with the following contract issued by DHSC:

Supply of Personal Protective Equipment for Healthcare Workers for the Care of Patients with Suspected or Confirmed Novel Coronavirus (COVID-19) Contract with PPE Medpro value £122,000,000 Procurement reference 547578 awarded on 25 June 2020 Contract Award Notice dated 7 September 2020

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.contractsfinder.service.gov.uk%2Fnotice%2F79397607-466e-4891-b091-3307fd5819d9%3Forigin%3DSearchResults%26p%3D1&data=05%7C02%7Cdhmail%40dhsc.gov.uk%7Cf2d9936d3e0d4ba5d63508dc9cf884df%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C638557838394329940%7CUnknown%7CTWFpbGZsb3d8eyJWljiOiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=%2F8fE%2Fi14OUDW7nmqUa%2B4fJ8ARZT9vgmoVhxjks9GATM%3D&reserved=0>

Please advise the following:

1. What have been the storage costs for the gowns supplied by PPE Medpro but rejected by DHSC?
2. How many PPE Medpro gowns have been disposed of so far, and what was the cost of disposing of them?
3. How were the PPE Medpro gowns disposed of, and who was contracted to dispose of them?
4. How many gowns supplied by PPE Medpro remain in storage at the end of June 2024?
5. If none of the PPE Medpro gowns have been disposed of so far, please advise the estimated cost of disposing of them.

Yours faithfully,

Chris Smith