



Mr Brian Donaldson

Request-861361-b8d94121@whatdotheyknow.com

07 July 2022

Our Ref: RFI 44333

Dear Mr Donaldson

Freedom of Information Act 2000

Information in Relation to the List of Medicines provided by the Trust and the Cost

I am writing to confirm that the South Eastern Health & Social Care Trust (the Trust) has decided not to release the information that is held in relation to ***(the full costing list of medicines provided by the Trust and how much the Trust spends on each)*** which you requested on 12 May 2022.

The Trust considers that this information is exempt from disclosure under section 43 (2) (Commercial Interests), of the Freedom of Information Act 2000.

Section 43 (2) permits the withholding of information if there would, or would be likely to, prejudice the commercial interests of any person.

As the sharing of the commercially sensitive information, which the Trust does not have consent to share, would or would likely prejudice the commercial interests of the companies involved, the Trust is therefore applying the Commercial Interests Exemption.

Section 43 (2) is a qualified exemption. This means that the Trust has a duty to consider whether the disclosure should nevertheless be made in the public interest and must outline the Public interest/endangerment test.

The Trust considered any public interest factors which would influence the application of the exemption. The Trust has balanced the factors for release:

- There may be a public interest in providing the full costing list of medicines provided by the Trust and how much the Trust spends on each.
- In the interests of openness, transparency and accountability.
- Transparency in accountability of Public funds and ensures Public money is being used effectively. Provide assistance to the Public in understanding where and how Public monies are spent.
- To ensure procurements and contracts are managed in an open and honest way.
- Ensuring there is competition for public sector contracts.

Against the factors for withholding the information:

- The Trust's medication providers have indicated that release of the information could have a detrimental impact of their business.
- The Trust believes that releasing the information requested into the public domain under the Freedom of Information Act could be prejudicial to competition in respect of the medicine providers pricing structures.
- There is public interest in ensuring that service providers can compete fairly in the marketplace and there is fair competition for public sector contracts.
- The prices the Trust pays to individual providers would not be known by others, and if put into the public domain under the Freedom of Information Act will be known to competitors. Release may be prejudicial to the commercial interests of the provider and advantageous to rivals.
- Release may undermine the confidence stakeholders have in the ability in future processes if it is likely that pricing structures and costs are released to potential competitors.
- Release of this information into the public domain may have a detrimental impact of the business relationship the Trust and ultimate provider(s), including any future contracts or tenders.
- Disclosure of this information may compromise the Department's and Trust's ability to achieve value for money from its future contracts and ultimately lead to less effective use of public money.

On balance, the Public Interest Test is weighted towards the application of the exemption.

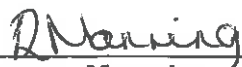
In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice.

If you are unhappy as to how this request has been handled, you have the right to seek a review within the Trust in the first instance. You should write to the Information Governance Department, Lough House, Ards Community Hospital (informationgovernance@setrust.hscni.net) within two months of the date of this response and your complaint will be considered and a response provided, within 20 working days of receipt.

If, after receiving a response, you remain unhappy, you can refer your complaint to the Information Commissioner at The Information Commissioner's Office –Northern Ireland, 3rd Floor, 14 Cromac Place, Belfast, BT7 2JB. It is important to note that if you refer any matter to the Information Commissioner, you will need to show evidence of having gone through the Trust's internal review procedure to try to resolve the matter with the Trust in the first instance.

If you have any queries about this letter, please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'R Manning', positioned above a horizontal line.

Rebecca Manning
Information Governance Assistant