



**University Hospitals Sussex**

**NHS Foundation Trust**

**Freedom of Information Office**

C/O Company Secretary  
Worthing Hospital  
Lyndhurst Rd  
Worthing BN11 2DH

05/04/2022

**Re: Freedom of Information Request FOI210923**

Thank you for your recent request for information under the Freedom of Information (FOI) Act 2000.

We are now in a position to respond to your request.

**Your request:**

1. When does the contract with Restore expire?
2. Is the current contract procured via a framework? - if so, which one?
3. Who from your organization will be involved in the decision to acquire this product or service?
4. Are you aware of any other storage or scanning contracts within the Trust?
5. Who is the contract owner at the Trust?
6. Where does the budget sit for this at the Trust?
7. Who manages the contract within Procurement/Contracts?
8. Is there any projects relating to the digitalisation of medical records?
9. What are the Number of boxes in store (size of box)
10. Number of files in store?
11. What is the Method of storage – Open file/boxes?
12. What is the Number of new records/files added to the archive each month/year?
13. What is the Number of files picked from the archive each month/year?
- 14 . Are there agreed SLA's supporting the service?
15. What is the Method of return of boxes - Physical or Digital?
16. Is the cost of exiting your current provider?

17. What is the current storage location?

**Our response:**

Under Section 1(1)(a) of the Freedom of Information Act (FOIA), the Trust can confirm that it holds information relevant to your request and this has been provided where possible below.

Please note University Hospitals Sussex NHS Foundation Trust was formed on 1 April 2021, with the merger of Brighton and Sussex University Hospitals NHS Trust and Western Sussex Hospitals NHS Foundation Trust. The Medical Records services within the former Trusts have yet to be aligned under the new Trust so we have provided information below relevant to the service under each legacy Trust. We regret any inconvenience this may cause.

Our response relative to legacy **Brighton and Sussex University Hospitals NHS Trust** is provided below:

1. 31<sup>st</sup> December 2026
2. SBS Records Management Framework, Lot 1
3. Procurement
4. Yes
5. As is the case for most NHS organisations, we are not of the view that it is appropriate to routinely release the names and contact details of our staff into the public domain through the FOIA. This is to safeguard our staff from companies that may misuse this information. Information disclosed via the Freedom of Information Act is considered 'released to the world', therefore we have little control over how this information might be used or where it might be published. Our staff are very busy working to provide the best care possible to our patients and do not have the spare capacity to receive communication from external organisations and/or individuals unless appropriate. The Trust provides an important and very busy service to the local community and we appreciate your understanding in this matter.

Article 4(1) of UK General Data Protection Regulations (GDPR) defines personal data as meaning "any information relating to an identified or identifiable natural person ('data subject')". Since you are seeking specific staff names and contact details, this information meets the criteria of personal information. There are six lawful bases for 'processing' personal information in Article 6 of the GDPR, with only consent or legitimate interests relevant to disclosure under the FOIA. We have, therefore, considered the legitimate interests regarding the disclosure of this information relevant to our staff, if disclosure is necessary in this case, and does any legitimate interest outweigh the interests and fundamental rights and freedoms of the staff concerned.

ICO guidance advises: "The more senior an employee is and the more responsibility they have for decision making and expenditure of public money, the greater their expectation should be that you disclose their names." It is our view that the roles mentioned in your request do not meet the Information Commissioner's suggested criteria for disclosure and that they would not have a reasonable expectation that their names would be disclosed into the public domain in this way. On this basis, we do not consider there to be sufficient legitimate interest supporting the disclosure of this information and the details you are seeking are therefore exempt under section 40(2) [personal information] exemption of the Act. The engagement of s.40(2) in this case is considered absolute and is not subject to public interest considerations.

If you feel that there is a legitimate interest relevant to the disclosure of this information that we have not considered, please do not hesitate to let us know.

Staff can, however, be reached via the Trust's main switchboards – 01243 788122 for former WSHS or 01273 696955 for former BSUH.

To contact the Procurement Office at University Hospitals Sussex NHS Foundation Trust, please email - [uhsussex.rvr-buying@nhs.net](mailto:uhsussex.rvr-buying@nhs.net)

6. Medical Records

7. Medical Records

8. No

9. 86,952

10. There is an average of 11 files per box

11. Boxes

12. 550

13. 2000 per year approximately

14. Yes

15. Physical

16. We are unable to provide the contract exit fee for this service on the basis that this is commercially sensitive information and therefore exempt under s.43(2) commercial interest exemption.

Section 43(2) of the FOIA states that: "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)." According to ICO guidance, a 'commercial interest' is defined as follows "...a commercial interest relates to a person's ability to participate competitively in a commercial activity, i.e. the purchase and sale of goods or services."

Should the Trust disclose the details you are seeking, this would put the organisation at a significant disadvantage when negotiating future contracts and would likely result in higher costs to the Trust. Additionally, once disclosed into the public domain this information could be used by competitors to our current suppliers in order to strengthen their own bargaining position and gain an unfair advantage in the marketplace (e.g., when tendering for contracts), regardless of whether they were bidding on contracts for the Trust or for other organisations.

Section 43 is a qualified exemption, therefore the public interest in withholding the information should outweigh the public interest in its disclosure. The Trust has carried out the requisite public interest test and while disclosure of this information would provide additional transparency about the costs associated with such services, it is not outweighed by the commercial prejudice disclosure will cause to the Trust or our current supplier. Disclosure in this case would undermine the Trust's trading position and business aims and ultimately impact on its ability to negotiate the most cost-effective healthcare services for the taxpayer. For these reasons, the Trust has decided that it is in the public interest to withhold this information at this time.

17. Redhill, Paddock Wood and Monkton Farleigh.

Our response relative to legacy **Western Sussex Hospitals NHS Foundation Trust** is provided below:

1. Not applicable
2. Not applicable
3. Procurement
4. Yes
5. Section 40(2) [personal information] exemption applies, please refer to the response to question 5 above.
6. The budget is split between a number of departments, as the facility is not solely used by Medical Records.
7. Medical Records
8. Yes, ongoing since 2016
9. 7642 (medical records only)
10. There is an average of 27 files per box
11. Boxes
12. None
13. 70 per month approximately.
14. Yes
15. Physical
16. Section 43(2) [commercial interest] exemption applies, please refer to the response to question 16 above.
17. Selsey



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If you require clarification or if we can be of any further assistance, please do not hesitate to contact us at: [UHSussex.foi@nhs.net](mailto:UHSussex.foi@nhs.net)

If after contacting us with any questions or concerns you remain dissatisfied with the outcome of your enquiry, you have the right to appeal. Complaints should be made within 40 working days of the Trust response. We are not obliged to carry out an internal review into the processing of your request after this period. If you wish to submit a complaint, please provide the basis for your appeal by emailing us or write to:

Freedom of Information Office  
C/O Company Secretary  
University Hospitals Sussex NHS Foundation Trust  
Worthing Hospital  
Lyndhurst Rd,  
Worthing BN11 2DH

After we have reviewed your complaint, if you are still not satisfied with the outcome of your appeal you can contact the Information Commissioner's Office. This can be done via their website - <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/> or via telephone - 0303 123 1113.

We hope you are happy with the processing of your request and find the information provided helpful.

Yours sincerely,

**Freedom of Information Office**  
**University Hospitals Sussex NHS Foundation Trust**