

Response document – FOI request 1785

Request

1. The number of oxygen cylinders the Trust has on hand on average

1748

2. The number of oxygen cylinder refills the Trust purchases each month

1024

3. The unit cost of a cylinder refill for portable cylinders

4. The unit cost of cylinder rental for portable oxygen cylinders

This information is exempt under section 43(2) of the Freedom of Information Act 2000. This is because release of unit cost could prejudice the commercial interests of both the supplier and the trust.

Section 43(2) Commercial Interests exemption of the Freedom of Information Act 2000 is a prejudice based qualified exemption which means that the harm (prejudice) in disclosure as well as the public interest consideration needs to be evidenced.

Harm considerations

Consideration has been given to the likelihood that the release of this information would prejudice commercial interests. Whilst it cannot be evidenced that this is a definite factor, as the evidence of harm is largely based on future consequence, it is considered that there is a substantial and significant risk that both the trust's and supplier's commercial interests would be likely to be prejudiced.

The trust has also been obliged to carry out a public interest test regarding the disclosure of this information

| Public interest test | |
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| Factors in favour of disclosure | Factors favouring non-disclosure |
| Where public funds are being spent, the trust is keen to demonstrate accountability and provide justification that money is being spent wisely and used effectively. Disclosure of the requested information would allow the public to see how the trust spends funds on an oxygen cylinder service. | Disclosure of the requested information would give competitors of the current contractor information about how the contractor's service is provided to the trust and what sums of money are paid for individual parts of the service. This is not only likely to give competitors information about the financial model used by the current contractor but could also prejudice the current contractor's commercial interests as the exempt information could be used by competitors to gain commercial advantage. |

Decision

After weighing up the competing interests, the trust has decided that although disclosure of the requested information may be of interest to the public, it is not in the public interest to release the information.