

Roger Green

[request-133685-0d11c6fx@xxxxxxxxxxxxxxxxxxx.xxx](mailto:request-133685-0d11c6fx@xxxxxxxxxxxxxxxxxxx.xxx)

10<sup>th</sup> December 2012

Our ref: FOI RFI 002158

Your ref: email received 14<sup>th</sup> November 2012

Dear Roger

**Department for  
Information Governance,  
Caldicott & SIRO Support**

Weston Park Hospital  
Whitham Road  
Sheffield  
S10 2SJ

Tel: 0114-2265151  
Fax: 0114-2265152  
Email: [xxx@xxx.xxx.xx](mailto:xxx@xxx.xxx.xx)

### **Freedom of Information Request**

Further to your email dated 14<sup>th</sup> November 2012 requesting the following information:

*In view of your corrective information please now provide a copy of your contract with ISS Facilities and also with Excel Parking Services for controlled parking.*

### **Trust Response**

I enclose herewith the Car Parking contract with Excel (document referenced "CSUH Car Parking Contract") for the Royal Hallamshire Hospital, Central Campus of Sheffield Teaching Hospitals, and the Car Parking contract with ISS Facilities (document referenced "NGH Car Parking contract") The latter document is an agreement between Northern General Hospitals NHS Trust and Total Car Park Management Ltd, who were taken over by ISS Facilities, and the contract transferred at takeover. This document covers the Northern Campus of Sheffield Teaching Hospitals.

You will note that information which the Trust considers to be of a competitive edge within the contract has been redacted and exempted under the provision of Section 43 of the Freedom of Information Act 2000, namely Commercial in Confidence

Sheffield Teaching Hospitals is an NHS Foundation Trust, and as such, operates in the commercial market place under competitive market conditions.

Under the terms of Section 43 (2) of the Freedom of Information Act 2000 the Trust considers that the release of commercial information detailed in the contracts is exempt information in that its disclosure would, or would be likely to prejudice the commercial interests of any person. Under the terms of the Act "person" can include the public authority holding this information (in this case the Foundation Trust).

Where Section 43(2) is engaged, it is important that the Trust considers potential commercial prejudice to themselves and, where applicable, commercial prejudice to third parties.

A commercial interest relates to the ability of the Foundation Trust to successfully participate in a commercial activity and the Trust feels that the disclosure of this activity, data and information would be commercially prejudicial as follows

- To the ability of the Trust to achieve value for money, and
- To weaken the Trust's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors or competitive bidders

If the Trust were to release such information it could damage its long term strategic business plans by putting into the public domain sensitive commercial information relating to the competitive edge of any invitation for commercial bid.

Under Section 43 the Trust does have to consider the Public Interest Test (PIT) and give reasoning of why it would not be in the public interest to release this information.

As stated earlier Sheffield Teaching Hospitals is a Foundation Trust that operates in the commercial market. The aim of the Trust is to develop and give the highest quality healthcare to patients, achieving this by using advanced treatment and expertise which is both cost effective and value for money. This enables the Trust to plough more of its funding back into that continuing healthcare. The Trust considers that the release of any commercially sensitive information would have an adverse affect on this process, so reducing its efficacy. This in itself would reduce the effectiveness of the service to those who come to the Trust for their healthcare provision.

It is therefore considered that in addition to being prejudicial to the commercial interests of the Trust, the Public Interest would not be served by the release of that same commercial information.

In consequence, the Trust considers that Section 43(2) of the Freedom of Information Act 2000 is engaged and release of the information is exempt.

This completes the Trust response to your request, but please note:

### **Your rights**

If you are unhappy with the way we have handled your request, you may ask for an internal review in accordance with Section VI Complaints Procedures of the Section 45 Code of Practice of the Freedom of Information Act 2000: and in accordance with Appendix E of the Trust's Code of Practice for Responding to Requests for Information (v 1.6 dated 02/03/06).

If you wish to complain you should contact:

Peter Wilson  
Information Governance, Caldicott & SIRO Support Manager  
Department for Information Governance, Caldicott & SIRO Support  
Sheffield Teaching Hospitals NHS Foundation Trust  
Weston Park Hospital  
Whitham Road  
Sheffield. S10 2 SJ  
Tel: 0114 226 5151 Fax: 0114 226 5152 Email: xxx@xxx.xxx.xx

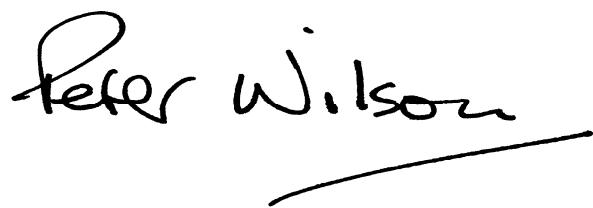
If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

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

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications

Yours sincerely

A handwritten signature in black ink that reads "Peter Wilson". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Peter Wilson  
Information Governance,  
Caldicott & SIRO Support Manager