

722 Prince of Wales Road
Darnall
Sheffield
S9 4EU

FOI Contact: Freedom of Information Lead
Contact Email: sheccg.foi@nhs.net
Contact Telephone: (0114) 3051000

FOI Ref: 0078FOI1819

7th September 2018

Oliver Staunton
Email: request-500112-b5bcd640@whatdotheyknow.com

Dear Mr Staunton

Freedom of Information Act 2000 – Request for Information

We are pleased to respond to your request for information and our response is set out below:

Request

I was wondering if I could please request details of payments made to pharmacies for locally commissioned NHS or private services, for example smoking cessation, emergency hormonal contraception, supervised consumption of medicines, & needle exchange services.

If you could kindly provide this in spreadsheet(s) format, with a breakdown by pharmacy (name and address), month, service, and payment, I would greatly appreciate it (if you also have the ODS code identifier for the pharmacy, then please kindly include this also). If possible, details of the most recent 12 months worth of payments.

Response

On 8th August we wrote to you to say that we considered part of the information being requested to be exempt and required additional time to complete a Public Interest Test to determine whether or not to disclose.

Section 43 of the Freedom of Information Act 2000 provides a qualified exemption from disclosure where disclosure would, or would be likely to prejudice the commercial interests of any person, including the public authority holding it. The CCG is of the view that release of this information would, or would be likely, to prejudice the commercial interests of both the bidders



Chair: **Dr Tim Moorhead**



Accountable Officer: **Maddy Ruff**

for the service and those of the CCG. In order to apply a Section 43 exemption, the CCG has conducted a statutory public interest test to decide whether the balance of public interest lies in withholding or releasing the information.

This CCG has given much weight to the arguments in favour of transparency, openness and accountability as well as wanting to encourage greater competition and response by business to new opportunities. However the test has demonstrated that *at this particular time*, as we are looking to put out tenders for these services the balance is in favour of withholding this information.

This CCG believes that release of this information would demonstrate openness, transparency and accountability in terms of decision making and financial management. It was also felt release would encourage greater competition and response by business to new opportunities and to some extent allow scrutiny of the CCGs actions and help the public understand the issues. It is also possible that release would encourage greater competition and provide better value for money for the CCG.

We feel that were we to place the individual payments of these services in the public domain it would be likely to prejudice this CCG's commercial interests as it could encourage some bidders to price up to what in any case may be a misleading or incomparable costing. Furthermore, we also feel that such action could destabilise the tender process, making it more likely to prejudice this CCG's negotiating position which in turn would be likely to prejudice this CCG's ability to obtain value for money.

Therefore NHS Sheffield CCG has applied a Section 43 subsection 2 exemption from disclosure which prevents disclosure of information which would be prejudicial to commercial interests.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision you should write to the Freedom of Information Lead, NHS Sheffield Clinical Commissioning Group, 722 Prince of Wales Road, Darnall, Sheffield S9 4EU or email sheccg.foi@nhs.net , quoting the reference number above.

If you are not content with the outcome of the internal review, with regards to this Freedom of Information request, you have the right to appeal to the Information Commissioner under Section 50 of the Freedom of Information Act. The Information Commissioner will not investigate your case unless you have exhausted our complaints procedure. The Information Commissioner can be contacted at: The Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Re-Use of Public Sector Information

If you wish to re-use the information you have requested, in whole or in part, please write to the Freedom of Information Lead, NHS Sheffield Clinical Commissioning Group, 722 Prince of Wales Road, Darnall, Sheffield, S9 4EU, quoting the reference number above, stating the purpose(s) you wish to re-use the information for. You will receive a response within 20 working days of receiving your request with any conditions and charges that relate to the re-use of the information. These will be determined in line with the Re-use of Public Sector Information Regulations 2005 (SI 2005 No. 1515).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chevaughn Woodhouse'. The signature is written in a cursive, flowing style.

Chevaughn Woodhouse
Freedom of Information (FOI) Lead
NHS Sheffield CCG