



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Mr P John
request-713599-0fafa6ab@whatdotheyknow.com

20/04/2021

Dear Mr John,

Freedom of Information Request Reference FOI-1282922

Thank you for your request dated 18 December, in which you asked the Department of Health and Social Care (DHSC):

“ I have been following the work of Jo Maugham for some time. No doubt you will be aware of his team's legal action concerning PPE procurement corruption, recently reported in the US press, and belatedly the UK press.

Information published in recent works shows the existence of a 'VIP Lane' for companies applying for contracts to supply the Government with PPE. Many of those companies were questionable suppliers.

Please could you disclose to me;

- 1) The email address and domain name used to receive VIP applications*
- 2) The instruction from Ministers or Permanent Secretary to DoHSC officials to create that address*
- 3) A copy of all messages sent to the VIP lane email address*
- 4) A copy of correspondence between DoHSC and Lord Paul Deighton concerning his role in PPE procurement as part of parallel supply chain operation (eg letter of appointment, instructions to establish/operate a VIP lane, terms of appointment)”*

Your request has been handled under the Freedom of Information Act (FOIA).

Question 1

DHSC holds the information you have requested. The email address and domain name used to receive VIP applications is: covid-ppe-priority-appraisals@cabinetoffice.gov.uk

Question 2

DHSC does not hold the information you have requested. No instruction came from DHSC Ministers or the Permanent Secretary.

Question 3

DHSC holds some of the information you have requested. Following a search of our paper and electronic records, we have established that the information held comprises of copies of emails

and other correspondence sent to the high priority appraisals mailbox. Please note that not all of this information may be held by DHSC.

However, under Section 43(2) of the Act, information can be considered exempt if its disclosure would, or would be likely to, prejudice the commercial interests of companies; in this instance we consider that it would prejudice the interests of the companies who were referred through the high priority lane.

Section 43(2) is a qualified exemption and requires consideration as to whether the balance of the public interest favours disclosing or withholding this information. There is a strong public interest in openness and transparency, particularly with reference to accountability for spending public money. Furthermore, private sector companies engaging, or seeking to engage, in commercial activities with the public sector must expect some information about those activities to be disclosed.

Considerations against disclosure include the recognition that disclosure may damage a supplier's reputation, affecting the supplier's competitive position in their respective market and confidence that its customers, suppliers or investors may have in its commercial operations. Disclosure of details relating to the suppliers, whether they be successful or unsuccessful suppliers, would be likely to deter potential bidders for future contracts from competing as they would potentially face adverse publicity unrelated to the terms of their particular contracts or ability to deliver contracted outcomes. This would therefore negatively impact the quality and quantity of Governments' supplier base, as future potential suppliers would be deterred by the prospect of unsuccessful aspects of their tenders being open to publication. The Cabinet Office, and indeed Government, must retain commercial confidence of third party potential suppliers when they choose to engage in commercial activities with us. The release of this information may jeopardise this commercial confidence.

Question 4

DHSC holds the information you have requested. Attached is the letter of appointment for Lord Deighton as requested. Lord Deighton was not involved in the establishment or operation of the high priority lane.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

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

<https://ico.org.uk/concerns/>

Yours sincerely,

Ruiz Alexander

Freedom of Information Officer

FreedomOfInformation@dhsc.gov.uk