

Our Reference      North East and North Cumbria ICB\  
FOI ICB 25–352

**North East and North Cumbria ICB**  
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By Email

17 December 2025

Dear Applicant

**Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)**

Thank you for your request received on 1 December 2025 for information held by NHS North East and North Cumbria Integrated Care Board (the ICB) under the provisions of the Freedom of Information Act 2000. The ICB covers the areas of County Durham, Newcastle Gateshead, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley.

Please find the information you requested on behalf of the ICB as follows.

**Your Request**

Under the Freedom of Information Act, please send me documents received at the ICB board and/or its associated committee meetings held both in public and in private since July 2025 concerning the following:

- The use of limited liability companies and subsidiaries at NHS organisations in the North East and North Cumbria in the light of assurances sought by the ICB following concerns raised about their operation at the County Durham and Darlington FT.

I look forward to receiving the information shortly.

**Our Response**

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does hold the requested information. However, on this occasion, it is not possible to satisfy all elements of your request.

We have attached a report taken to the ICB Executive Committee in October 2025. This document has been redacted in line with section 43(2). The reason for this is that some of the information was incomplete at the time of collection, which may result in an inaccurate picture and could have

an impact on commercial activity of individual FT boards. Providing information in this state could impact on those organisations' reputations unfairly. In addition, some of this information is not directly relevant to the request for information as it also includes non-LLP contractual arrangements. Information collected in confidence, some of which is obtainable via individual FT websites but others, depending on specific organisation may be deemed by them as commercially confidential.

An updated and more complete paper will be considered by the Executive Committee in January 2026.

In support of this decision, the Freedom of Information Act (FOIA) 2000 contains a number of exemptions that allow a public authority to withhold certain information from release. Some of the requested information is exempt under s.43(2) of the FOIA2000 as disclosure is likely to prejudice the commercial interests of a person as defined by the Act.

S.43(2) of the Freedom of Information Act protects against the disclosure of information where it would be likely to prejudice the commercial interests of either a third party or the public authority itself. We are of the opinion the release of the specific details would, or would be likely to, prejudice the commercial interests of the foundation trusts (FTs) in the NENC region.

The Information Commissioners Office has established a multi criteria test for assessing whether a section 43(2) exemption is applicable to the requested information. The first criteria is to determine if the information relates to or could impact on a commercial activity, the second criteria is if the commercial activity is conducted in a competitive environment, and finally if that information is commercially sensitive.

The application of this exemption requires an examination of the public interest in disclosure in comparison as opposed to that in non-disclosure.

The factors in *favour of disclosure* would include:

- *Transparency of functions; procurement and services to NHS*
- *Encourage and instil trust and confidence*

Factors in favour of *withholding the information* are largely laid out in the explanation for the use of the exemption above but would include:

- *Incomplete and out of date information contained in the report may provide an unfair picture of the organisations concerned.*
- *Proposed withheld / redacted detail in the report is wider than the scope of information request. While being commercially sensitive information for the individual FTs, it would not add to the specific information being requested.*

After consideration of the above factors, we believe, on balance, the public interest lies in maintaining the exemption.

In accordance with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, you should write to the Information Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your review, you do have the right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act 2000. Generally, the Information Commissioner cannot make a decision unless you have exhausted the ICB's complaints procedure.

The Information Commissioner can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or [www.ico.org.uk](http://www.ico.org.uk).

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 [www.legislation.gov.uk](http://www.legislation.gov.uk). This will not affect your initial information request.

Yours faithfully

*Information Governance Support Officer*

**Information Governance Support Officer  
North East and North Cumbria Integrated Care Board**