

Our Reference North East and North Cumbria ICB\
FOI ICB 25–460

North East and North Cumbria ICB
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By Email

17 February 2026

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 9 February 2026 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

Is it possible to get names and contact details of all bidders that bid for the MSP. Please treat this as FOI request.

Our Response

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

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.

We have applied a section 43(2) exemption at this time as the MSP process that the ICB began is still live, having been rewound to an earlier stage. It is the intention of the ICB to continue the MSP process in order to award a contract. As we are still in a live process, we would not release information on who had originally submitted an expression of interest as this may compromise their commercially sensitive business plans.

To successfully compete for goods and services, the ICB must ensure that information which could harm its commercial activities is not placed into the public domain. Release of such information could potentially compromise the ICB's ability to effectively carry out their procurement function which enables them to compete on an equal playing field when tendering services. The ICB's position may have been severely compromised if that information were to be released into the public domain which under FOI is to the world at large.

The procurement of any service is undoubtedly a commercial activity which is carried out in a competitive environment. External companies are competing to deliver the required services at a competitive and cost-effective price. Those companies who completed the ICB's invitation to tender were all competing to secure the contract with us.

The ICB works to ensure that services are procured efficiently, effectively and in accordance with the appropriate frameworks to get the best possible price bearing in mind that public money is being used. FOI responses are considered as mentioned above to be a release to the world at large and not to one applicant. By disclosing specific details of the contract during the tender process could seriously undermine the trust and confidence which suppliers may have in our ability to effectively procure such services and may lose confidence in the ICB that their operational information may be comprised, and their information will not be secure throughout the process and not shared with third parties. This may deter businesses from competing and less likely to bid for public sector contracts if they believe the live procurement process could be prejudiced by sharing commercially sensitive information. It is important for the conduct of such tendering exercises to not disadvantage those businesses by making their information publicly available until after the contract has been awarded.

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:

- Increasing public understanding of the tendering and procurement process and the types of suppliers who bid for services.
- Enhancing the transparency and openness of the tendering process.
- Increasing public confidence in the integrity and probity of the tendering process.
- There is significant public interest in suppliers who are unsuccessful when bidding for contracts.

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

- Ensuring there is fair competition for public sector contracts.
- Protecting the ability of bidders to compete on a level playing field.
- Preventing a distortion of the procurement process that would have the potential effect of raising costs to the public sector and/or reducing the quality of services procured.

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.

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. 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**