

Our Reference North East and North Cumbria ICB\
FOI ICB 26–225

North East and North Cumbria ICB
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By Email

24 August 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 5 August 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

This is a request for information under the Freedom of Information Act 2000. Please provide the following information:

1. Please confirm if North East and North Cumbria ICB is currently a participant in any rebate, discount or other financial incentive schemes with Abbott Laboratories Limited, Abbott Diabetes Care Limited, Abbott Diabetes Care, Inc, or any other member of the Abbott group, pertaining to:
 - a. FreeStyle Libre 2, FreeStyle Libre 3, FreeStyle Libre 2 Plus, or FreeStyle Libre 3 Plus products; and/or
 - b. Products for the management of diabetes which include, among other products, the products listed at (i) above; and/or
 - c. Products sold by the Abbott group (i.e. not limited only to the management of diabetes) including, among other products, the products listed at (i) above.
2. In respect of each such rebate, discount or other financial incentive scheme above, please confirm:
 - a. The Abbott products that the applicable scheme relates to;
 - b. The start and end date of the scheme; and

- c. The criteria (e.g. minimum volume, minimum spend) that need to be met in order to trigger each rebate, discount, or other financial incentive within the scheme, and (to the extent North East and North Cumbria ICB is able to provide such information) the corresponding financial value of each applicable rebate, discount, or other financial incentive.

Our Response

1. North East and North Cumbria ICB is currently a participant in the following rebate schemes related to the products listed in your question:
 - Name of drug/product: Freestyle Libre Plus 2
 - Company: Abbott
2. In respect of the scheme above:
 - a. The Abbott product is provided within the response to question 1.
 - b. The start date was 01/12/2025 and the end date is 30/11/2026.
 - c. 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.

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.

The s.43(2) exemption applies to question 2c.

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 NENC ICB. We are of the opinion the release of the specific details would, or would be likely to, prejudice the commercial interests of NENC ICB.

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.

NENC ICB is contractually prohibited from revealing financial details regarding the rebate scheme entered into with Abbott. The information requested constitutes a trade secret. We have informed Abbott of the information we have disclosed and withheld. Discussions have been held previously regarding the same issue. In addition,

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 procurement function within the 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:

- Disclosure would adversely affect NENC ICB's ability to negotiate and enter into similar commercial arrangements in the future, potentially reducing opportunities to secure favourable agreements that support the efficient use of NHS resources.
- Exposure of NENC ICB to legal challenge or other contractual remedies pursued by Abbott would lead to NHS resources being used to defend against the legal challenge rather than on services supporting patient care.

To summarise, we consider disclosing this financial information would constitute a breach of the contractual terms agreed with Abbott and could result in reputational damage to NHS North East and North Cumbria ICB (NENC ICB). A breach of contract may expose NENC ICB to legal challenge or other contractual remedies pursued by Abbott.

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**