

Our Reference North East and North Cumbria ICB\
FOI ICB 24–254

NECS – John Snow House
Durham University Science Park
Durham
DH1 3YG

Tel: 0191 301 1300
E-mail: necsu.icbfoi@nhs.net

By Email

1 October 2024

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 by North of England Commissioning Support (NECS) on 16 September 2024 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, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley (which covers the five local authorities of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees).

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

Your Request

I would like information on software purchased at national or ICB level for use in GP practices / PCNs. I would like to know how much the ICB / NHSE spends annually on:

- Emis
- System1
- AccuRx
- Patchs
- eConsult
- Anima
- Ardens
- PCIT

Or if there are any other software providers used in primary care which are purchased at ICB level.

Our Response

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

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 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 ICB. Any future procurement on IT systems would be part of a competitive tender process. Disclosing the information requested would prejudice the nature of that process and be anti-competitive for the NHS.

This request has not been discussed with third parties. Doing so would take an amount of time and resource which would likely exceed the amount under the FOI Regulations. In addition, we are not provided with information on the originating companies.

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:

- May be of interest to know how much organisations are spending on GP systems.

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

- Undermines purchasing position of the organisation
- Procurement processes – due diligence
- Anti-competitive
- High level information on GP System spend is publicly available on NHSE web site.

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 Senior 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 complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

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

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

S Davies

S Davies
Information Governance Officer