

Our Reference North East and North Cumbria ICB\
FOI ICB 25–394

North East and North Cumbria ICB
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By Email

7 January 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 24 December 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

I request the following information relating to the pharmacy operating as Brampton Pharmacy – ODS Code FVF84.

1. The current contracted core opening hours for this pharmacy, as held by the ICB, including days and times.
2. The current supplementary hours notified to the ICB, including days and times.
3. Any historic records of changes to core or supplementary hours in the period 2019–2025.
4. Any notices of reduction or suspension of supplementary hours served to the ICB during that period.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested.

1. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested. However, current pharmacy opening hours are publicly available: [Contact details and opening times – Brampton Pharmacy – NHS](#)

In accordance with s.21 of the FOIA, we are not required to provide information in response to a request if it is reasonably accessible to you by other means.

2. 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 questions 2, 3 and 4 in their entirety.

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 pharmacy contractor, Brampton Pharmacy.

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:

- Promotes transparency of NHS functions and decision-making.
- Encourages public trust and accountability.
- May support fair competition and value for money in NHS services.

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

- Would undermine the authority's ability to protect commercially sensitive information provided in confidence.
- Could disadvantage the contractor by revealing non-public business information to competitors.
- May deter contractors from sharing necessary information with the ICB in future, impacting regulatory oversight and service continuity.
- The information is not routinely published and is not required to be in the public domain.

To summarise, the information requested is not routinely shared publicly and is considered sensitive due to its potential to reveal operational strategies and business decisions. The pharmacy would reasonably expect this information to remain confidential.

Releasing the split of Brampton Pharmacy's core and supplementary hours, applications for changes, and requests for temporary suspension of service would reveal internal operational strategies and business decisions that are not available to competitors or the public.

Disclosure could enable competitors to gain insight into the pharmacy's business model, service continuity planning, and resource allocation, potentially undermining their competitive position. The information could be used to disadvantage the contractor in future applications, negotiations, or market positioning.

These details are only provided to the ICB as part of regulatory or contractual processes and are not intended for general release.

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

3. Please refer to the response to question 2.

4. Please refer to the response to question 2.

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**