

**Public Interest Test**

Date: 18 October 2019

Our Ref: FOI 6838 - CCG Spend on Core GP IT Services

Freedom of Information (England) Act 2002 – Section 43 Public Interest Test

**Background**

Having established that a qualified exemption definitely applies to a particular case, WHCCG must then carry out a Public Interest Test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. In other words, unless it is in the public interest to withhold the information, it has to be released. Although precedent and developed case law will play a part in this, individual circumstances will vary and each case will need to be considered on its own merits.

In applying the Public Interest test, please note the following:

- Potential or actual embarrassment to or loss of confidence in the council is not a valid factor
- The fact that the information is technical, complex to understand and may be misunderstood is not of itself a reason to withhold information
- The potential harm of releasing information will reduce over time and should be considered at the time the request is made rather than by reference to when the relevant decision was taken originally

A decision not to release information may be perverse - i.e. a decision to withhold information because it is not in the public interest to release it, itself could result in harm to public safety, the environment or a third party.

Question that requires a public interest test:

**1. Please could you tell me what your CCG spend on Core GP IT services, and secondly what your CCG spend on IT services provided to the CCG (for example help desk support, 1,2,3rd line support, networking, business as usual services if this is different to the above). I would like this information for the financial years 2018/19 and 2019/20 and in £**

**Public Interest Test**

Please add factors to take into account when weighing the public interest in the table below:

FOR DISCLOSURE	AGAINST DISCLOSURE
1. To improve the accountability and transparency of the CCG in its use of public funds and/or help to show that	1. Pricing is a commercial arrangement which could be used to leverage negotiations for similar services in the

<p>it obtains value for money</p>	<p>future.</p> <ol style="list-style-type: none"> <li>2. By releasing this information other suppliers would gain an advantage over current bidders/suppliers in future procurements, which would negate the point of competition</li> <li>3. Releasing this information will have a negative effect on current bidders by: <ul style="list-style-type: none"> <li>• weakening their competitive advantage</li> <li>• affecting their ability to negotiate future contracts</li> </ul> </li> <li>4. Releasing this information will have a negative effect on the CCG by: <ul style="list-style-type: none"> <li>• damaging their reputation</li> <li>• effecting their ability to negotiate pricing terms in the future</li> <li>• deterring suppliers from exchanging useful information with the CCG</li> <li>• deterring suppliers from tendering with the CCG in the future</li> </ul> </li> </ol>
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Please return this form as a matter of urgency to [whccg.foi@nhs.net](mailto:whccg.foi@nhs.net)