

Public Interest Test

Date: 20 February 2020

Our Ref: FOI 7359 - IAPT Service Fareham and Gosport CCG and South Eastern Hampshire CCG

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:

6. What is the current annual value of the CCGs current IAPT Service?
13. What is the current annual value of the CCGs current community MSK Service?

Public Interest Test

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

In the first line are some possible reasons to think about

FOR DISCLOSURE	AGAINST DISCLOSURE
To improve the accountability and transparency of the CCG in its use of public funds and/or help to show that it obtains value for money	Releasing the current annual value of these contracts has the potential to seriously jeopardise the legal or contractual position of the WHCCG with its current supplier.

To increase access to information held by the CCG	Has the potential to disadvantage the CCG and the current contractor in any new procurement activity

Please return this form as a matter of urgency to whccg.foi@nhs.net