

## Public Interest Test

Date: 12 January 2021

Our Ref: FOI 8023 – Mental Health

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:

Please can you provide the following information about any external provision delivered since the beginning of the 2018/19 financial year - What is the annual cost of the provision?

### Public Interest Test

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

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	To provide this information could seriously jeopardise the contractual position of the CCG and its providers.  If a provider is identified as being in the receipt of monies for a specific service, this could give unfair advantage to other

	providers in that they will be able to identify how much other providers are charging for providing specific services. Hence it is deemed sensitive.
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