



University Hospitals Sussex

NHS Foundation Trust

Freedom of Information Office

C/O Company Secretary

Worthing Hospital

Lyndhurst Rd

Worthing BN11 2DH

6 September 2022

Re: Freedom of Information Request FOI220376

Thank you for your recent request for information under the Freedom of Information (FOI) Act 2000.

We are now in a position to respond to your request.

Your request:

I would like to submit a request for some information from the organisation, in relation to their contract's register.

The FULL contract register should display all the organisations existing/live contracts I would like the register to display the following columns/headings:

1. Contract Reference -Unique reference number associated with the contract.
2. Contract Title
3. Procurement Category –Please state the category name of the contract, I wish to know the category the contract is under.
4. Supplier Name
5. Spend (Total, Annual or contract value)
6. Contract's Duration
7. Contract's Extensions
8. Contract's Start Date
9. Contract's Expiry Date
10. Contract Description [Please provide me with as much detail as possible.]
11. Contact Owner (Person that manages the contract register)
12. CPV codes/Pro-Class

Contract Data/API Contact Details

1. Can you also provide me with contact details of the person responsible for the actual contract's register or someone responsible for API? [Name, Job Title, Telephone, Email Address] At the very least provide me with their actual job title.

(Meaning of API "a set of functions and procedures that allow the creation of applications which access the features or data of an operating system, application, or other service.")

- 2.

IMPORTANT

1. If the organisation has a CRM system or a similar system, there should be a facility to download and extract contract data.
2. You may forward me a Weblink to a portal to download the contract register, please make sure all the organisation's contracts are provided as doing prior research I have found that most organisations have only uploaded a small portion of all their contracts.
3. For those organisations planning to make an exemption around spend, the spend information I have requested is an overall figure and I am not requesting a complete breakdown of services relating to the spend.

Please provide me with the contract's register file in an excel format.

Our response:

Under Section 1(1)(a) of the Freedom of Information Act (FOIA), the Trust can confirm that it holds information relevant to your request and this has been provided where possible below.

Please note University Hospitals Sussex NHS Foundation Trust has operated for the period from 1 April 2021, following the merger of Brighton and Sussex University Hospitals NHS Trust and Western Sussex Hospitals NHS Foundation Trust.

Please find attached an Excel workbook that includes the contract register for University Hospitals Sussex NHS Foundation Trust.

The FOIA does not place a requirement on a public authority to generate new information for the purpose of answering a request. On the basis that the provision of information in the format you have requested would require a high level of skill and judgement to create, such a report is considered *not held* under the terms of the FOIA at this time. We have therefore provided the contract registers currently held by University Hospitals Sussex NHS Foundation Trust.

Moreover, we have provided information where possible within the 'appropriate limit' as outlined in the Fees Regulations. Section 12 provision [*cost limit*] under the FOIA applies to any outstanding information on the basis that a manual audit relevant to each contract would be required in order to compile the additional information you are seeking. We regret that the Trust does not have the spare capacity to carry out this additional work. We have studied the work involved in processing your request for this information and estimated that the cost of complying with this would exceed the appropriate limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The limit set down by the regulations for public authorities is £450, which amounts to a maximum of 18 hours of search and retrieval time charged at £25.00 per hour, the hourly rate also specified in the regulations. The Trust considers that it would take in excess of 18 hours to retrieve and extract the information in the format that you have requested. Subsequently, it would cost the Trust more than £450, the limit specified in the regulations. Under section 12 of the Freedom of Information Act, the Trust is therefore not obliged to provide the information that you have requested. We regret any inconvenience this decision may cause.

With regard to your questions requesting contact details for the contracts and API managers, as is the case for most NHS organisations, we are not of the view that it is appropriate to routinely release the names and contact details of our staff into the public domain through the FOIA. This is to safeguard our staff from companies that may misuse this information. Information disclosed via the Freedom of Information Act is considered

'released to the world', therefore we have little control over how this information might be used or where it might be published. Our staff are very busy working to provide the best care possible to our patients and do not have the spare capacity to receive communication from external organisations and/or individuals unless appropriate. The Trust provides an important and very busy service to the local community and we appreciate your understanding in this matter.

Article 4(1) of UK General Data Protection Regulations (GDPR) defines personal data as meaning "any information relating to an identified or identifiable natural person ('data subject')". Since you are seeking specific staff names and contact details, this information meets the criteria of personal information. There are six lawful bases for 'processing' personal information in Article 6 of the GDPR, with only consent or legitimate interests relevant to disclosure under the FOIA. We have, therefore, considered the legitimate interests regarding the disclosure of this information relevant to our staff, if disclosure is necessary in this case, and does any legitimate interest outweigh the interests and fundamental rights and freedoms of the staff concerned.

ICO guidance advises: "The more senior an employee is and the more responsibility they have for decision making and expenditure of public money, the greater their expectation should be that you disclose their names." It is our view that the roles mentioned in your request do not meet the Information Commissioner's suggested criteria for disclosure and that they would not have a reasonable expectation that their names would be disclosed into the public domain in this way. On this basis, we do not consider there to be sufficient legitimate interest supporting the disclosure of this information and the names/contact details you are seeking are therefore exempt under section 40(2) [*personal information*] exemption of the Act. The engagement of s.40(2) in this case is considered *absolute* and is not subject to public interest considerations.

If you feel that there is a *legitimate interest* relevant to the disclosure of this information that we have not considered, please do not hesitate to let us know.

Staff can, however, be reached via the Trust's main switchboards – 01243 788122 for St. Richard's Hospital, Chichester, 01903 205111 for Worthing Hospital, Worthing, 01273 696955 for the Royal Sussex County Hospital, Brighton or [01444 441881](tel:01444441881) for the Princess Royal Hospital, Haywards Heath.

To contact the Procurement Office at University Hospitals Sussex NHS Foundation Trust, please email - uhsussex.ryr-buying@nhs.net

OGL

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If you require clarification or if we can be of any further assistance, please do not hesitate to contact us at: UHSussex.foi@nhs.net

If after contacting us with any questions or concerns you remain dissatisfied with the outcome of your enquiry, you have the right to appeal. Please email us or write to:

Freedom of Information Office
C/O Company Secretary
University Hospitals Sussex NHS Foundation Trust
Worthing Hospital
Lyndhurst Rd,
Worthing BN11 2DH

After we have reviewed your complaint, if you are still not satisfied with the outcome of your appeal you can contact the Information Commissioner's Office. This can be done via their website - <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/> or via telephone - 0303 123 1113.

We hope you are happy with the processing of your request and that you find any information we have provided helpful.

Yours sincerely,

**Freedom of Information Office
University Hospitals Sussex NHS Foundation Trust**