Request for information under the Freedom of Information Act - 7470

With regard to your email of 27 July 2017 requesting information about IT contracts, please find detailed below your original request and our response:

Original request:
I would like to submit a Freedom of Information Request relating to specific ICT contract(s) for Server Hardware Maintenance, Server Virtualisation Licenses and Maintenance and Storage Area Network (SAN) Maintenance/Support which may include:

- Server Hardware Maintenance- contracts relating to the support and maintenance of the organisation’s physical servers.
- Virtualisation Licensing (VMware, Solaris, Unix, Linux, Windows Server)-
- Virtualisation Maintenance/Support (VMware, Solaris, Unix, Linux, Windows Server)
- Storage Area Network Maintenance/Support (EMC, NetApp etc)

For each of the types of server ICT contracts above can you please send me the following data types:

If there is more than one supplier for these contract can you, please split the contract individually for each supplier. So the information above which I am requesting is for each supplier.

If this service is part of a managed contract please can you send me the contract information for this managed service including Hardware Brand, Number of Users, Operating System, and contact details of the internal contact responsible for this contract.

1. Contract Title: Please provide me with the contract title.
   Network / Server support – SCC Cisco Support and Maintenance
   Virtualisation Licensing (VMware, Solaris, Unix, Linux, Windows Server) and Virtualisation Maintenance/Support (VMware, Solaris, Unix, Linux, Windows Server) VMware
   Storage Area Network Maintenance/Support (EMC, NetApp etc) – Dell Compellent

2. Contract Type: Please can you provide me with one or more contract types the contract relate to: Server Hardware, Virtualisation, SAN (Storage Area Network)
   Network / Server support – Server hardware and switch hardware
   Virtualisation Licensing and Virtualisation Maintenance/Support - VMware
   Storage Area Network Maintenance/Support (EMC, NetApp etc) – Dell Compellent
   - Hardware and Software Support

3. Existing/Current Supplier: Please provide me with the supplier name for each contract.
   Network / Server support – SCC
   Virtualisation Licensing and Virtualisation Maintenance/Support – Esteem/VMware
   Storage Area Network Maintenance/Support (EMC, NetApp etc) – Dell

Chairman  David Griffiths  Chief Executive  Paul Bentley
Trust HQ  The Oast, Unit D, Hermitage Court, Hermitage Lane, Barming, Nr Maidstone, Kent ME16 9NT

CareQualityCommission  Rating: GOOD
4. **Hardware Brand**: Please state the hardware brand of the servers related to the contract with supplier e.g. Hardware Maintenance could be Dell, IBM etc

   - **Network / Server support**: Dell and Cisco
   - **Virtualisation Licensing**: VMware vcentre, SRM and vsphere
   - **Virtualisation Maintenance/Support**: VMware vcentre, SRM and vsphere
   - **Storage Area Network Maintenance/Support (EMC, NetApp etc)**: Dell Compellent and Brocade Fibre Channel Switches

5. **Operating System / Software (Platform)**: (Windows, Linux, Unix, Vsphere, AIX, Solaris etc.) Please state the operating system used by the organisation.

   - **Virtualisation**: Vmware 5.5
   - **Servers**: MS Windows Server 2008 R2, Vsphere, Citrix XenServer, Linux
   - **Storage**: Dell Enterprise Manager and storage manager

6. **Annual Average Spend**: Please provide me with the annual average spend for this contract?

KCHFT is unable to release the cost for these contracts as this would give an unfair commercial advantage over the incumbent suppliers. This information is therefore exempt from disclosure by virtue of section 43(2) of the Freedom of Information Act 2000, Commercial Interests.

I have detailed below the relevant excerpt of the act for Section 43.

Section 43(2) is a qualified and prejudice-based exemption which requires that I provide evidence of harm in disclosure and a public interest test. I have included the relevant part of this exemption and the evidence of harm and public interest test below.

### Section 43 – Commercial Interests

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

#### Evidence of Harm

Disclosure of the information requested would be likely to damage the commercial interests of the Kent Community Health NHS Foundation Trust and companies involved in the contracts detailed in questions 1, 5 and 6.

#### Public Interest Test

**Factors Favouring Disclosure**

The disclosure of the information requested would contribute to the aims of openness and accountability which the Freedom of Information Act promotes. It would also show that there is transparency in the use of public funds and that public money is being used effectively.

**Factors Favouring Non-Disclosure**

The provision of the information requested would be likely to prejudice the commercial interests of the department by affecting adversely its bargaining position during
contractual negotiations which would result in the less effective use of public money. The information requested relates to a service that is currently subject to an on-going legal and tender process, therefore by releasing information relating to the existing provider would weaken their position in a competitive environment by revealing market-sensitive information or information of potential usefulness to competitors.

Balancing Test
Whilst we note that the provision of the information requested would ensure that we remain open and accountable, this is outweighed by the need for the Kent Community Health NHS Foundation Trust to remain competitive with regards to proposed tenders and commercial activity.

I have therefore determined that the public interest in maintaining the exemption at section 43(2) outweighs that in disclosure and, in accordance with section 17(1) of the Act, this information is exempt.

7. **Contract Duration:** *(Please can you also include notes if the contract includes any contract extension periods.)*
   - Network / Server support – 12 months
   - Virtualisation – 3 years
   - Storage Area Network Maintenance/Support – 5 years

8. **Contract Expiry Date:** *(Please can you provide me with the date of when the contract expires.)*
   - Network / Server support – 30/04/2018
   - Virtualisation – March 2020
   - Storage Area Network Maintenance/Support (EMC, NetApp etc) – 06/02/2022

9. **Contract Review Date:** *(An approximate date of when the organisation is planning to review this particular contract.)*
   - Network / Server support – Feb 2018
   - Virtualisation – Feb 2020
   - Storage Area Network Maintenance/Support (EMC, NetApp etc) – November 2022

10. **Purchase of Servers:** *(Could you please provide me with the month and year in which most/bulk of servers where purchased.)*
    - 5 servers purchased in December 2015
    - 8 servers purchased in October 2014
    - 1 server purchased in 2017

11. **Number of Physical Server:** *(Please can you provide me with the number of physical servers.)*
    - The Trust has 26 physical servers

12. **Number of Virtual Servers:** *(Please can you provide me with the number of Virtual servers’ servers.)*
    - The Trust has 184 virtual servers

13. **Brief Contract Description:** *(I require a brief description of the service provided under this contract. Please don’t just put maintenance I need at least a sentence.)*
    - Network / Server support – Server hardware and switch hardware – 4 hour response – NBD
Virtualisation – standard manufacturers software support 9am-5pm including software upgrade rights

Storage Area Network Maintenance/Support (EMC, NetApp etc) – Dell Compellent Hardware and Software Support – 4 hour response, NBD - includes Dell Copilot support

14. **Internal Contact:** *(The person from within the organisation that is responsible for reviewing and renewing this particular contract. Please include their full name, job title, direct contact number and direct email address.)*

Please be advised that we are not able to provide the names and contact details of individual staff members as this constitutes the personal information of the individuals concerned. Staff under Director level would not expect their personal details to be released. This is therefore exempt information by virtue of Section 40(2) in conjunction with Section 40(3)(a)(i) of the Freedom of Information Act 2000 which relates to ‘Personal Information’.

An excerpt of the relevant Freedom of Information legislation can be found below:

**Section 40 – Personal information**

(2) Any information to which a request for information relates is exempt information if—
(a) it constitutes personal data which do not fall within subsection (1), and
(b) either the first or the second condition below is satisfied.

(3) The first condition is—
(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene —
(i) any of the data protection principles

We can confirm that the Director with overall responsibility for ICT is Gordon Flack, Director of Finance. His email address is [Gordon.flack@nhs.net](mailto:Gordon.flack@nhs.net) telephone 01622 211900.