

**Request for information under the Freedom of Information Act – 2020.477**  
**Released – 5 June 2020**

Thank you for your email dated 8 May 2020, requesting information regarding enterprise application.

Please find detailed below a summary of your request, together with our response.

***Summary of your request:***

***The information I require relates to the organisations software contract, please send me the organisation's primary contract around the types of contract below.***

***I require the organisation's to provide me with the following contract information relating to the following corporate software/enterprise applications:***

**A. Enterprise Resource Planning Software Solution (ERP) -this is the organisation's main ERP system and may include service support, maintenance and upgrades.**

**B. Primary Customer Relationship Management (CRM) Solution-this is the organisation's main**

***CRM system and may include service support, maintenance and upgrades. Example of CRM systems the organisation may use could include Microsoft Dynamics, Front Office, Lagan CRM, Firmstep***

**C. Primary Human Resources (HR) and Payroll Software Solution-this is the organisation's main**

***HR/payroll system and may include service support, maintenance and upgrades. In some cases the HR contract maybe separate to the payroll contract please provide both types of contracts. Example of HR/Payroll systems the organisation may use could include iTrent, Resourcelink.***

**D. The organisation's primary corporate Finance Software Solution-this is the organisation's main**

***Finance system and may include service support, maintenance and upgrades. Example of finance systems the organisation may use could include E-Business suite, Agresso (Unit4), eFinancials, Integra, SAP***

***In some cases you may come across contracts that provides service support maintenance and upgrades separate to the main software contract, please also provide this information in the response following the requested data below.***

Chair John Goulston Chief Executive Paul Bentley

Trust HQ The Oast, Unit D, Hermitage Court, Hermitage Lane, Barming, near Maidstone, Kent ME16 9NT

**For each of the categories above can you please provide me with the relevant contract information listed below:**

- 1. Software Category: ERP, CRM, HR, Payroll, Finance**
- 2. Name of Supplier: Can you please provide me with the software provider for each contract?**
- 3. The brand of the software: Can you please provide me with the actual name of the software. Please do not provide me with the supplier name again please provide me with the actual software name.**
- 4. Description of the contract: Please do not just state two to three words can you please provide me with detailed information about this contract and please state if upgrade, maintenance and support is included.**

**Please also include any modules included within the contract as this will support the categories you have selected in question 1.**

- 5. Number of Users/Licenses: What is the total number of user/licenses for this contract?**
- 6. Annual Spend: What is the annual average spend for each contract?**
- 7. Contract Duration: What is the duration of the contract please include any available extensions within the contract.**
- 8. Contract Start Date: What is the start date of this contract? Please include month and year of the contract. DD-MM-YY or MM-YY.**
- 9. Contract Expiry: What is the expiry date of this contract? Please include month and year of the contract. DD-MM-YY or MM-YY.**
- 10. Contract Review Date: What is the review date of this contract? Please include month and year of the contract. If this cannot be provided please provide me estimates of when the contract is likely to be reviewed. DD-MM-YY or MM-YY.**

- 11. Contact Details: I require the full contact details of the person within the organisation responsible for this particular software contract (name, job title, email, contact number).**

Please see attached below at Appendix 1 the information requested.

We can confirm that we hold the information requested regarding the supplier and system names, but we are unable to release this information as to do so could compromise the security of the system. This information is therefore exempt under Sections 31(1) Prevention and Detection of Crime and 24(1) National Security of the Freedom of Information Act 2000 (the FOIA). Disclosure of this information would be likely to both prejudice law enforcement and increase the vulnerability of the Trust, which could ultimately aid potential attackers.

## **Prejudice**

Providing details of systems used may lead to the Trust being vulnerable to a cyber-attack. This information could aid attackers in selecting targets, thereby increasing the vulnerability of public authorities. The Trust believes that this would prejudice both the prevention and detection of cybercrime and national security. NHS organisations including the Trust hold large amounts of personal, sensitive and confidential data and there is a considerable public interest in protecting NHS organisations' systems from potential cyberattack.

Both Sections 31(1) and 24(1) are prejudice based exemptions and subject to a public interest test. This means that not only does the information have to prejudice one of the purposes listed, but before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

## **Public Interest Test**

### **Considerations in favour of disclosure:**

- The inherent public interest in the openness and transparency of public authority dealings

### **Considerations against disclosure:**

- Disclosing this information could expose the IT security systems of the Trust to the risk of a targeted attack
- Disclosing this information would increase the vulnerability of specific NHS organisations on a national level leading to the disruption of NHS organisations' ability to conduct business
- Disclosing this information could aid an attacker by highlighting areas or organisations that could be more vulnerable to attack than others
- Applying this exemption will prevent the disclosure of information that would facilitate or encourage criminal activity
- A successful attack would have a direct impact on patient care

### **Conclusion:**

The Trust recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them. However, there is also a public interest in the security of information held by the Trust which is put to the wider public interest.

Having undertaken the balancing exercise, the Trust has concluded that the public interest in maintaining the exemption significantly outweighs the public interest in disclosing the requested information. Particular weight has been placed on the severity of the prejudice which may be caused were the Trust to release details of products used.

Given that the definition of 'public' under the Act is considered to be the public at large, rather than just the individual applicant or a small group of people and that 'public interest' is not necessarily the same as what interests the public, it is considered that to release this information is likely to result in prejudice to the security systems of NHS organisations including the Trust which is not outweighed by the wider public interest for disclosure.

The Information Commissioner's Office (ICO) has confirmed that they consider that the safeguarding of national security also includes protecting potential targets even if there is no evidence that an attack is imminent. In recent months there have been published vulnerabilities against NHS organisations, including the very significant incident in May 2017. The Trust considers that the greater public interest lies with the security of the type of information held by them and that of third parties. In the Trust's opinion, the additional risk to clinical data held by the Trust and the impact a successful attack would have on direct patient care means disclosure cannot be justified.

We can also confirm that we hold information relating to the current average spend; however we feel that this information is considered to be commercially sensitive information that could be beneficial to competitors and is therefore exempt from disclosure under Section 43(2) of the Freedom of Information Act.

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 both the Trust and the company providing this service as it would assist competitors in the provision of this service.

#### **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 existing provider and would affect the Trust's bargaining position during contractual negotiations should the contract be retendered, which would result in the less effective use of public money.

To release 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 and to protect the commercial interests of companies providing services to us.

**2020.477 Appendix 1**

Category	SUPPLIER	SYSTEM NAME / Brand	Description	Number of Licences	Annual Spend	Contract Duration	Contract Start Date	Contract Expiry	Contract Review Date	Contact Details
A -ERP solution	The Trust does not have an Enterprise Resource Planning Software Solution as this usually encompasses a much bigger remit other than just staff rostering or Patient Tracking software that we might have in place to inform how we plan our resource deployments therefore we are not able to provide information for this part of your request.									
B - CRM	supplier name and system name/brand: exempt - prevention and detection of crime (Section 31(1) law enforcement) and national security (Section 24(1) national security)	Customer Complaint and risk/incident management platform	Site Licence	annual spend: exempt - Commercial In Confidence Clause (Section 43(2) commercially sensitive information)	Renewed annually	01/10/2018	30/09/2020	Sep-20	Finance Director, Gordon Flack, gordon.flack@nhs.net 01622 211900	
C - HR			Site Licence		3 years	01/02/2018	31/01/2021	Re-procurement to begin shortly		
C - HR/Payroll		Staff record system - to view and maintain staff record	Site Licence		This is a national contract, contract information is not held by KCHFT.					
C - HR		Third party Occupational Health referral database	Site Licence		3yrs+1yr+1yr	06/01/2020	05/01/2023	05/01/2023		
C - HR		Recruitment portal - logging all Job adverts and applications	Site Licence		2 years	01/06/2019	31/05/2021	31/05/2021		
C - Payroll		Expenses Portal for staff to log travel claims and receipts	Site Licence		This is a national contract, contract information is not held by KCHFT.					
D - Finance		Integrated finance & procurement system incorporating all aspects of purchasing, payments, sales and financial reporting	Site Licence		Renewed annually	Accounting software contract started on 01/06/2001	Contract is held by East Kent Hospitals NHS University Foundation Trust and reviewed annually	Contract is held by East Kent Hospitals NHS University Foundation Trust and reviewed annually		
D - Finance		Cost forecasting tool / analytics	Site Licence		Renewed annually	01/04/2014	30/05/2021	Re-Procurement progress to begin shortly		