

Request for information under the Freedom of Information Act – 2020.492
Released – 23 June 2020

Thank you for your email dated 2 June 2020, requesting information regarding disposal of sharps.

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

Summary of your request:

1: How many sharps containers were disposed of annually for your NHS Hospital Trust within the last 10 years?

The Kent Community Health NHS Foundation Trust pay for the collection per external bin not per individual container so unfortunately we are not able to supply data for this part of your request.

2: What is the annual recorded cost for sharps container disposal for your NHS Hospital Trust within the last 10 years?

We can confirm that we hold information relating to the cost of the disposal of sharps containers; 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 currently 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

Chair John Goulston Chief Executive Paul Bentley

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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.

Having undertaken the balancing exercise, the Trust has concluded that the public interest in maintaining the exemption outweighs the public interest in disclosing the requested information.