

Request for information under the Freedom of Information Act – 2022.058
Released – 14 June 2022

Thank you for your email received 27 May 2022 requesting information regarding mobile and telephony contracts.

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

Summary of your original request:

Telephony System

- 1. What is your current telephony system?***
- 2. How many users of the telephony system?***
- 3. When is the contract up for renewal?***
- 4. Are you considering Microsoft Teams Voice?***
- 5. The name of the person responsible for this contract?***
- 6. The email address of the primary contact for this contract?***

Mobile phones

- 1. Who is your current mobile phone provider?***
- 2. How many mobile connections?***
- 3. When is the contract up for renewal?***
- 4. The name of the person responsible for this contract?***
- 5. The email address of the primary contact for this contract?***

Procurement

- 1. Do you procure through the Networks Services 2 framework?***
- 2. Do you Direct Award?***

At this time we are unable to provide information regarding mobile and telephony contracts as this is currently part of a live tender process. If we were to release this information it would likely prejudice the commercial interests of the Trust and that of the providers of these services. This information is therefore exempt from disclosure by virtue of section 43(2) of the Freedom of Information Act 2000, Commercial Interests.

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).

Chair John Goulston Acting Chief Executive Gordon Flack

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

Evidence of Harm

Disclosure of the information requested would be likely to damage the commercial interests of both the Trust and providers of these services as it would assist competitors by providing information that may assist them during the tender process for the provision of these services.

Public Interest Test

Factors Favouring Disclosure

The disclosure of the information requested would contribute towards 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

To release information relating to the existing service provider would weaken both their position and that of the Trust in a competitive environment by revealing market-sensitive information or information of potential usefulness to competitors.

The provision of the information requested would be likely to prejudice the commercial interests of the Trust during a tendering process which would result in the less effective use of public money.

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 tenders and commercial activity and to protect the commercial interests of the Trust and of those who provide services to the Trust.

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.