

**Request for information under the Freedom of Information Act – 2023.212**  
**Released – 2 October 2023**

Thank you for your email which was received on the 12 September 2023 requesting information regarding pharmacy and prescribing.

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

**Summary of your original request:**

**1. Does your organisation have an outpatient pharmacy?**

No

**2. Does the hospital outpatient pharmacy provide prescriptions dispensed in the community e.g., for hospices or home care providers?**

No

**3. What is the value of your organisations planned savings opportunity from medicines procurement for 23/24?**

Our savings this year will come from a reduced management fee from our third-party supplier contract. However we are not able to provide details of the amount of these savings as if we were to release this it would likely prejudice the commercial interests of the Trust and that of the provider of these services. Therefore this information is 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).*

**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.

Chair John Goulston Chief Executive Mairead McCormick  
Trust HQ Trinity House, 110-120 Upper Pemberton, Eureka Park, Ashford, Kent TN25 4AZ

### **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.

### ***4. What are the biggest areas\*\* of spend you expect to make the largest savings in?***

We expect our biggest savings from accessing Commercial Medicines Unit prices