

Ref: CCG November 0033 2016

Corporate Services
NHS Liverpool Clinical Commissioning Group
The Department
Lewis's Building
Renshaw Street
Liverpool
L1 2SA

22nd December 2016,

Email: foi@liverpoolccg.nhs.uk

Re: Freedom of Information Request

Thank you for your Freedom of Information request that we received on 28th November 2016, with regards to tender opportunities.

Request/**Response**

1. Please provide me with a list of all the companies that have participated or expressed an interest in tender opportunities and requests for quotations for contracts within your Trust since April 1st 2013 till date. The list should include the names and email addresses that those companies have submitted in the bidding process.

The information you have requested is exempt under Section 41 (Information Provided in Confidence) of the Freedom of Information Act 2000 and is therefore withheld.

In considering your request for the names and email addresses of the companies who have "submitted in the bidding process" we have determined that as this information has been obtained from another party/other parties it would be in breach of those individuals' rights to bid confidentially and that disclosure to the public would constitute a breach of confidence actionable by that or any other person.

Section 41(b) of the Act provides that the breach of confidence must be actionable by either the legal person who gave the information to the public authority, or by any other legal person. This means that when considering whether a disclosure would constitute a breach of confidence an authority may consider the expectations of, and the impact on, both:

- ***the person who gave the information directly to the public authority, and;***

• any other previous confiders of confidential material within the requested information.

It is not necessary for the authority to establish that a particular person would be likely to bring a claim for breach of confidence, only that a person would be able to do so.

Although Section 41 of the Act serves as an 'absolute' exemption, in considering the public interest in favour of maintaining the confidence the CCG has paid particular regard to:

- The wider public interest in preserving the principle of confidentiality, and;**
- The impact of disclosure on the interests of the confider(s).**

The CCG has determined that the impact of disclosure on the interest of the confider(s) would undermine the confider's future negotiations with the CCG, and that any disclosure of confidential information will, to some degree, undermine the principle of confidentiality and the relationship of trust between public authorities and confiders of information. Individuals and organisations may be discouraged from confiding in public authorities if they do not have a degree of certainty that this trust will be respected and it is for these reasons that the CCG is applying this exemption.

2. Please identify which of these companies that you have listed belong to the category of Small and Medium Enterprises (SMEs)

Please see response above.

We wish to take this opportunity to inform you that a formal complaints and internal review procedure is available to applicants who are unhappy with responses provided to FOI requests. You can formally request an internal review within a reasonable period of time (2 calendar months) from the date this response was issued.

Where you are not satisfied with the decision of the internal review you may apply directly to the Information Commissioners Office (ICO) for a further review of that decision. Generally, the ICO cannot make a decision unless you have exhausted our complaints procedure in the first instance.

The ICO can be contacted at:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire

SK9 5AF

www.ico.gov.uk

Should you require any further information, clarification regarding this response or do not feel that your request has been answered as you would expect, please contact us to discuss.

Yours sincerely,

**Customer Relations Lead
NHS Liverpool CCG**