

Reference:	FOI.17787.25
Subject:	Information Communication Technology (ICT) devices, hardware and software
Date of Request:	11 July 2025

Requested:

Under the Freedom of Information Act, I would request you to respond to questions included in the attachment.

Response:

Hywel Dda University Health Board (UHB) is applying a Section 43 exemption of the Freedom of Information Act 2000 (FoIA), as the information requested for questions 2 and part of questions 4 and 5 as they relate to third parties and disclosure of this information would be prejudicial to their Commercial Interests. Section 43(2) exempts information, disclosure of which would be likely to prejudice the commercial interests of any person.

Commercial interests may be prejudiced where disclosure would, or would be likely to:

- Weaken a company's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors.
- Damage a company's business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b). The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

In favour of disclosure: There is a public interest in transparency and in the accountability of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed. Additionally, it will allow other companies to understand the decision making of any tenders the UHB has agreed upon. Disclosure of future budgets could enable potential suppliers to see upcoming opportunities and budgets which might increase competition and reduce future costs.

Against Disclosure: Disclosure of this information would have a direct impact and cause substantial harm to the suppliers as it would disclose their pricing, and it would be likely that this would damage their ability to work within a highly competitive sector. The information being requested is likely to be used by their competitors to gain a competitive advantage. The release of budgets for future projects which would go out to tender would be likely to impede a fair tender process, suppliers may use this information to target their bid rather than competing to offer the best value. This would undermine the tender process and reduce the chance of the UHB securing any cost savings.

Decision: The UHB has decided that releasing the information under the FoIA, to which the UHB is subject, will give an unfair advantage to the suppliers' competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body, and that there is a public interest in ensuring that there is competition for public sector contracts.

Furthermore, the UHB sought the opinion of Softcat who it procures the Automation Anywhere system through for their consideration and comments as part of the public interest test. The third party company did not have any comments on the disclosure of the costs and as such, these have not been included within the Section 43 exemption.

Additionally, the UHB is unable to provide the information requested for question 1j, as it has deemed that the information requested is exempt from disclosure under Section 31(1)(a) of the FoIA. The UHB has also considered the "mosaic effect"; the harm which will or will be likely to arise from the release of this information, along with information already in the public domain.

Section 31(1)(a) of the FoIA provides that information which is not exempt by virtue of Section 30 (criminal investigations and proceedings) is exempt if its disclosure would, or would be likely to, prejudice the prevention or detection of crime. In Guidance, the Information Commissioner's Office (ICO) has advised that Section 31, amongst other things, prevents information being disclosed that would increase the risk of the law being broken. In addition, it can be claimed by any public authority. The UHB is relying upon this exemption as it considers that releasing this information about its IT systems and physical security measures would make it more vulnerable to crime.

Section 31(3) of the FoIA provides that the duty to confirm or deny does not arise in relation to this information.

Section 31 of the FoIA is subject to the public interest test.

For disclosure: The UHB has a duty to maintain openness and transparency in all its activities, which will help to maintain public trust in the UHB.

Against disclosure: By releasing the information, the UHB would be vulnerable to this being used for crime, which potentially could compromise the security of both patient and staff information, whilst causing disruption to the flow of information through UHB systems, impacting on patient care and safety. There is a clear public interest in protecting the society and the UHB from the impact of crime. The UHB has also given consideration to previous cyber-attacks within the NHS, which is already in the public domain.

Decision: The UHB considers that the public interest in withholding the information is greater than the interest in disclosing, therefore protecting the UHB from potential criminal activity.

The UHB considers that the public interest in withholding the information for question 1j is greater than the interest in disclosing it.

Furthermore, for question 3 and part of question 4, the UHB has applied a section 21 exemption of the FoIA to these parts of your request, as the information is accessible by another means.

The UHB has answered similar Freedom of Information requests which are available on our disclosure log:

- FOI.11956.23 - Information Communication Technology (ICT Devices, Hardware & Software)
- FOI.17697.25 - Artificial Intelligence (AI) System Information

For ease of reference, please click on the link below, which will take you directly to the UHB's disclosure log webpage:

[Disclosure Log - Hywel Dda University Health Board \(nhs.wales\)](#)

However, whilst operating in accordance with the Section 45 Freedom of Information Code of Practice, the UHB has a duty to provide advice and assistance and therefore provides the rest of the information requested, within the spreadsheet as requested, at Attachment 1.