

Reference:	FOI.5835.21
Subject:	Out of Hours contracts
Date of Request:	16 April 2021

Request and response:

Under the Freedom of Information Act (FOI) 2000 please supply the following information regarding your current commissioned General Practice Out of Hours Contracts.

Current Out of Hours contract

Hywel Dda University Health Board (UHB) provides the information, within the table below, as requested.

Information required	Format
Name of Contract	Adastra System – Advanced Health & Care Ltd
Start date of the OOH contract	1 January 2021
End date of the OOH contract	31 December 2023
Duration	3 years
Total value of contract	Section 43 exemption applied
Cost per head (of list size / population)	Section 43 exemption applied
Cost per case in year 1	Section 43 exemption applied
Cost per case in year 2	Section 43 exemption applied

As the value of contract and the individual costs requested from the UHB relates to a third party, the UHB considers that Section 43 of the Freedom of Information Act 2000 (FoIA) applies, as answering would be prejudicial to its commercial interests. Section 43(2) exempts information, disclosure of which would or would be likely to prejudice the commercial interests of any person; in this case, the provider listed above. 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 and 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 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.

Against Disclosure: Disclosure of this information would have a direct impact and cause substantial harm to the supplier. It would disclose its pricing and products/services provided to the UHB, and it is likely that this would damage its ability to work within a highly competitive sector. The information being requested is likely to be used by competitors to gain a competitive advantage.

Therefore, it has been decided above, that releasing the information under the FoIA, to which the UHB is subject, will give an unfair advantage to the supplier's 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.

Decision: - The UHB considers that the public interest in withholding the value of the contract, is greater than the interest in disclosing it and thereby giving unfair commercial advantage to competitors of the company to which this information concerns.