

<b>Reference:</b>	FOI.7412.21
<b>Subject:</b>	Proposed new hospital sites
<b>Date of Request:</b>	12 November 2021

**Requested:**

Would you be able to supply the list of sites that have been considered / short listed for the new proposed hospital.

**Response:**

As the information requested from Hywel Dda University Health Board (UHB) relates to third parties, the UHB considers that Section 43 of the Freedom of Information Act 2000 (FoIA) applies, as answering would be prejudicial to their commercial interests. Section 43(2) exempts information, where disclosure of which would or 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 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 and tendering 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, the new hospital is a popular topic of discussion, with a significant amount of public interest in its location. Due to the interest in the topic, it is within all parties' interests that information is shared and that the public be kept informed of developments, to reduce anxieties within our communities.

**Against Disclosure:** Disclosure of the shortlisted sites would have a direct impact and cause substantial harm to the third parties involved in the procurement tendering process. The sites require further analysis and review before a final shortlist is decided upon and so disclosure of the sites at this stage could lead to unnecessary attention. Due to the strong opinions of some on the new hospital and the concern over the location of it, disclosure of the potential site locations could attract negative opinion and pressure on the current landowners, which could impede the tender process. It is the UHB's opinion that providing information before it has a final shortlist, could encourage rumours and speculation which in turn, could harm the procurement process.

The UHB believes that there is wider established public interest in third parties not being prejudiced merely because they are tendering 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 requested information is greater than the interest in disclosing it, as the attention drawn from the disclosure could impede the future process.

Whilst operating in accordance with the Section 45 Freedom of Information Code of Practice, the UHB has a duty to provide advice and assistance.

Therefore, the UHB confirms that there were initially eleven (11) proposed sites for the new hospital which has now been shortlisted to five (5) sites, with ongoing analysis to confirm a final shortlist. An engagement exercise is expected to be undertaken in early 2022, with a Shortlist Appraisal Group being created to scrutinise the shortlisted sites; the group will include representation from multiple groups including the public.

Due to the future engagement exercise, it is the UHB's intention to publish details of the shortlisted sites in due course, once they have been finalised. Therefore, this information is exempt under Section 22 of the FoIA, which states that information is exempt if it is intended that the information held by the public authority will be published at a future date.

Information and public announcements about our long term strategy, including our plans for a new hospital in the south of Hywel Dda UHB area and land associated updates, are included here: <https://hduhb.nhs.wales/about-us/healthier-mid-and-west-wales/>