

Reference:	FOI.8561.22
Subject:	Rostering and job planning
Date of Request:	25 March 2022

Requested:

I am writing to request information on your organisation's Rostering and Job Planning usage for Consultants, SAS Doctors and Allied Health Professionals (AHPs). Please complete the attached FOI questions.

Response:

Hywel Dda University Health Board (UHB) has provided the information as requested, at Attachment 1.

However, as the costs requested for question 5 relates to third parties, the UHB considers that Section 43 of the FoIA applies, as answering would be Prejudicial to their 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; 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.

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 products/services provided to the UHB, 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.

Decision: - The UHB has considered, 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.

Therefore, the public interest in withholding the costs for the service is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the company to which this information concerns.