



FOI REF: 21/194

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21<sup>st</sup> April 2021

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## FREEDOM OF INFORMATION ACT

I am responding to your request for information under the Freedom of Information Act. The answers to your specific questions are as follows:

**Please could we have a copy of the BFF Strategic Outline Case (SOC) which have been referred to in public Board documents.**

We are applying a section 36 exemption to this request as we consider that the disclosure will inhibit the free and frank provision of advice or exchange of views within public authorities. Section 36 of the Act sets out a qualified exemption from the right where in the reasonable opinion of a qualified person such disclosure would prejudice the effective conduct of public affairs through:

- a) Inhibition or likely inhibition of the free and frank provision of advice or exchange of views for the purposes of deliberation.
- b) Any other prejudice, or likely prejudice, to the effective conduct of public affairs.

The Minister responsible for the Freedom of Information in the Department of Health has authorised the senior person in charge of the National Health Service bodies to act as 'Qualified Persons' and under Section 5 of the National Health Service Act 1977 this is the Chief Executive. Under the Section 36 exemption, the 'qualified person' for East Sussex Healthcare NHS Trust is the Chief Executive, Mrs Joanne Chadwick-Bell. Mrs Chadwick-Bell is of the view that the information should be withheld as she considers that it would, or would be likely to prejudice, the effective conduct of public affairs.

As required, we have applied the Public Interest Test and have found that the public interest in withholding the information is greater than the public interest in disclosing the information. We note that there is some public interest in the Strategic Outline Case and are therefore producing a summary document. This document will be placed on the Trust public website when available.

If I can be of any further assistance, please do not hesitate to contact me.

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Should you be dissatisfied with the Trust's response to your request, please write to Lynette Wells, Director of Corporate Affairs, East Sussex Healthcare NHS Trust ([lynette.wells2@nhs.net](mailto:lynette.wells2@nhs.net)) quoting the above reference.

Yours sincerely

Linda Thornhill (Mrs)  
Corporate Governance Manager  
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