

FOI REF: 22/231

19<sup>th</sup> May 2022

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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 you provide the following information:**

**The total amount paid for Hartmann IV Solution for each financial year since April 2017 and the individual bag cost charged for each of these tax years.**

Please see the table below for the total amount paid for Hartmann IV Solution for the period requested:

Financial Year	Cost (£)	Cost Exclusive of Value Added Tax (£)
2017/18	1955.83	1629.86
2018/19	2168.14	1806.78
2019/20	2048.40	1707.00
2020/21	1351.39	1126.16
2021/22	1917.24	1597.70

I can confirm that the information in respect of the individual bag cost is held by East Sussex Healthcare NHS Trust but that the information you have requested is exempt under section 41 of the Freedom of Information Act 2000. This is because the information would originally have been provided in confidence. Information is exempt information if –

- (a) it was obtained by the public authority from any other person (including another public authority), and,
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

This is an absolute exemption and there is, therefore, no requirement to consider the public interest.

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Whilst the Trust holds the information requested in respect of individual bag cost, it is also applying a Section 43(2) exemption in relation to this part of the request as the release of the information is likely to prejudice commercial interests of third parties. This is because release of the information could be detrimental to their competitive position in the market.

In applying the exemption consideration has been given to the public interest in enabling scrutiny of public sector decision making and the general public interest in accountability and transparency.

We have concluded that information broken down to the level requested would cause harm to the Trust as this could lead to the Trust being excluded from future contracts, therefore increasing our costs and not gaining best value for money. In addition, disclosure of national contract prices in contravention of current agreements could jeopardise the established NHS CMU contracting process and ultimately drive-up costs for the whole NHS.

Therefore, in this instance, we consider that the public interest in withholding the information is greater than the public interest in disclosing the information.

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

Should you be dissatisfied with the Trust's response to your request, please write to the Freedom of Information Department ([esh-tr.foi@nhs.net](mailto:esh-tr.foi@nhs.net)), quoting the above reference.

Yours sincerely

Linda Thornhill (Mrs)  
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