

4 July 2017

Wellington House
133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000
E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

By email

Dear [REDACTED]

Request under the Freedom of Information Act 2000 (the “FOI Act”)

I refer to your email of 6 June 2017 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority (NHS TDA) are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and NHS TDA.

Your request

You made the following request:

I was looking at some NHS Improvement spending data (the most recent entry here <https://improvement.nhs.uk/about-us/corporate-publications/publications/expenditure-data-costs-over-25k/>. And it referenced some spending with Frontier Economics Ltd and Market & Opinion Research International Ltd. Can I see the outputs of both these bits of work please?

Decision

NHS Improvement holds the information that you have requested.

NHS Improvement has decided to withhold all of the information that it holds on the basis of the applicability of the exemption in section 22 of the FOI Act as explained in detail below.

Section 22- information intended for future publication

Section 22 provides that information is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or some other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

NHS Improvement will be publishing both reports. Given the settled intention for publication in the future, it is reasonable in the circumstances to withhold the information requested.

Public interest test

Section 22 of the FOI Act is a qualified exemption and NHS Improvement is therefore required to carry out a public interest test to determine whether the exemption should be maintained. We recognise the general public interest in openness and transparency in seeing the outputs of research commissioned by NHS Improvement. But our view is that the public interest will be met by the publication of this information at a later date. Our conclusion is that the balance of public interest lies in withholding the reports until their publication in the near future.

Review rights

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to nhsi.foi@nhs.net.

Publication

Please note that this letter will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,

NHS Improvement