

12 June 2018

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 ██████████,

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

I refer to your email of 14 May 2018 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority have been operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

Your request

You made the following request:

“Please find my request below, which relates to the organisation’s contract relating to their energy management system. Not all organisations have energy management system and if the organisation does not have one please ignore the contractual part of my request (1-6) and concentrate on questions 7-12.

1. *The supplier who provides the software to the organisation?*
2. *The cost associated with the software. Please provide me with the annual spend.*
3. *What is the brand of the software?*
4. *What is the duration of the contract?*
5. *When does this contract expires?*
6. *When does the organisation plan to review this contract?*
7. *Can you please provide me with the contract description of the services provided under the agreement with the supplier? This also includes potential extensions and support and maintenance services.*
8. *What is the organisation’s annual energy spend for the following:*
 - a) *Electricity*
 - b) *Gas*
 - c) *Water*
9. *What is the total number of meter points for Electricity for:*
 - a) *Non Half Hourly (NHH) meter points*
 - b) *Half Hourly (HH) meter points*
10. *What is the total number of Gas meter points?*
11. *What is the total number of Water meter points?*

12. *What is the total number of meter points for specialist gases and liquids?*
13. *Can you please provide me with the contact details of the key person responsible for this contract or around energy management.*
14. *Can you please send me the organisations' energy management strategy/plan that covers 2018?"*

Decision

NHS Improvement holds some of the information that you have requested.

NHS Improvement has decided to release some of the information it holds. Some of the information is withheld on the basis that it is exempt under sections 22 and 40 of the FOI Act, as explained in detail below.

We respond to each question in turn.

Questions 1 - 7 – Energy management systems

NHS Improvement do not have any energy management systems.

Question 8 – Annual average spend

Based on the last full year of invoices Monitor paid £7,504.75 for water and £118,303.57 for electric and gas (we are unable to split the spend for gas and electricity). These figures are net of any applicable VAT.

We are unable to break down the annual spend for the TDA.

Questions 9 - 12 – Meter points

Our costs for gas, electricity and water are not separately metered in any building.

Question 13 – Contact details

The key person responsible for energy management would be the Sustainability Estates Facilities Management Lead. I consider that the direct contact details (i.e. email address and phone number) is exempt from disclosure under section 40(2) of the FOI Act. This is on the grounds that it amounts to personal data and the first condition under section 40(3)(a)(i) is satisfied, namely, that disclosure would amount to a breach of the first data protection principle (personal data should be processed fairly and lawfully) as the individuals concerned would have a reasonable expectation that their information would not be disclosed into the public domain. Section 40 is an absolute exemption and consideration of the public interest test in disclosure is not required. You can direct enquiries to enquiries@improvement.nhs.uk.

Question 14 – Energy management plan

Section 22 provides an exemption where information is held by a public authority with a view to future publication, if it is reasonable to withhold the information from disclosure until the date of publication.

As part of its Sustainable Development Management Plan, NHS Improvement's energy management plan is currently being considered by our the executive team and has not yet finalised. Once finalised we intend to publish the plan on our website. We intend to publish it by 25 June 2018.

The information that you have requested therefore falls within the exemption at section 22 of the FOI Act. This exemption is subject to the public interest test. NHS Improvement considers that in this case the public interest in maintaining the exemption is greater than the public interest in disclosing the information. The plan is currently in draft form and has not yet been agreed. The public interest in transparency will be met by future publication of this information, which is anticipated shortly.

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,

A handwritten signature in black ink, appearing to be 'J.F.R.', with a horizontal line underneath it.

John Ross

Head of Corporate Services

NHS Improvement