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24/07/2018

██████████
By email
████████████████████

Dear ██████████

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

I refer to your email of 30 May in which you requested an internal review of NHS Improvement’s decision dated that same day in relation to your FOI Act request dated 4 April, in which you made the following request:

“This data collection has been updated in recent years - it is part of the operational productivity directorate's work. Can I get a copy of the most recent NHSI Corporate Services Data Return.”

NHS Improvement sought clarification on 18 April 2018 to which you confirmed you are requesting the same information contained within the previous spreadsheet provided but for the latest data we would hold.

Since 1 April 2016, Monitor and the NHS Trust Development Authority are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

Decision

NHS Improvement decided to withhold all of the information it holds on the basis of the applicability of the exemption in section 22 of the FOI Act. The decision stated that NHS Improvement intends to publish national high level corporate services data return later this winter in the same format, on its website, and that it was reasonable to withhold this information.

I have now conducted a review of that decision and uphold the original decision. The information should continue to be withheld on the basis that NHS Improvement intended (and still intends) to publish the information, and this it is reasonable to withhold the information pending publication.

NHS Improvement intends to publish the data for FY2016/17 (the latest complete year data at the time of the request) in the same format as that provided in the previous FOI request

for FY2015/16 data collection. I am satisfied that it was the intention in April to publish that data and I note that the current intention is to publish in October 2018.

In relation to whether it is reasonable to withhold the information pending publication, I note that the information was collected for the purposes of improvement in the NHS, and that the intention is to publish as part of a wider package of material designed to achieve that objective. The package is, in particular, intended to enable NHS providers to benchmark their corporate services expenditure against other trusts, with a view to facilitating trust achieving efficiencies. In anticipation of that publication, the information requested continues to undergo a quality assurance process to ensure it is sufficiently robust and suitable for use. In my view, releasing the information in advance of wider publication would result in potentially misleading and unreliable information in the public domain, and undermine the purpose for which it was originally collected.

In relation to the reference in the original decision to the information being “high level”, I think this was potentially misleading. The data to be published is at the same level and in the same format as that published in relation to the previous FOI request and as requested in your request in April.

In relation to the public interest, I have considered the public interest in transparency, particular in relation to understanding the expenditure of NHS bodies on corporate services. I however also consider there is a strong public interest in ensuring that published information is adequately quality assured and sufficiently robust, to enable its use for the purposes for which it was originally collected. The public interest in transparency will be met when publication is made later this year. I am satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosure.

Review rights

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

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,

Jeremy Marlow
Executive Director of Operational Productivity