

8 July 2020

Skipton House
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By email

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Dear [REDACTED]

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

We refer to your email of 14 May 2020 in which you requested an internal review of NHS Improvement’s decision dated 13 May 2020 in relation to your FOI Act request dated 14 April 2020 in which you made the following request:

“I want to submit a request for some information from the organisation, in relation to their contract’s register.

The contract register should display all the organisations existing/live contracts I would like the register to display the following columns/ headings:

1. *Contract reference*
2. *Contract Title*
3. *Procurement Category*
4. *Supplier Name*
5. *Spend (Total or Annual)*
6. *Contract Duration*
7. *Contract Extensions*
8. *Contract Starting Date*
9. *Expiration Date*
10. *Contract Description [Please provide me with as much detail as possible.]*
11. *Contract Owner (Full contact details if possible.)*
12. *CPV codes/ProClass*

IMPORTANT

1. *For those organisations planning to make an exemption around spend, the spend information I have requested is an overall figure and I am not requesting a complete breakdown of services relating to the spend.*

2. *If the organisation has a CRM system or a similar system there should be a facility to download and extract contract data.*
3. *You may forward me a Weblink to a portal to download the contract register, please make sure all of the organisation's contracts are provided as doing prior research I have found that most organisations have only uploaded a small portion of all of their contracts.*

Please do not think that this is the only information I require if you could provide me with more information that would be great.

Contract Data/ API Contact Details

13. *Can you also provide me with contact details of the person responsible for the actual contract's register or someone responsible for API? [Name, Job Title, Telephone, Email Address] At the very least provide me with their actual job title.*

(meaning of API "a set of functions and procedures that allow the creation of applications which access the features or data of an operating system, application, or other service.")

Please provide me with the contract's register file in an excel format."

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

Whilst NHS Improvement holds some of the information that you have requested we have not been able to progress your request because to do so would exceed the cost limit under section 12 of the FOI Act.

I have now conducted a review of that decision and the original decision has been upheld.

Section 12 – Exemption where cost of compliance exceeds appropriate limit

Under section 12(1) of the FOI Act, NHS Improvement is not required to comply with any request that potentially exceeds the relevant cost limit. The relevant cost limit is £450, which is set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This equates to a period of approximately eighteen hours in which to locate, retrieve and extract the information that you have requested.

NHS Improvement does not hold one consolidated contract register for all existing/live contracts. To locate and retrieve the information you have requested would require NHS Improvement to collate the information from multiple teams, as different teams within NHS Improvement hold information on contracts commensurate with their different roles. For example, whilst the Procurement team could supply detail of contracts for services

consumed by NHS Improvement, this would not for example cover contracts which are primarily (health) sector facing, for services consumed by NHS trusts.

We can estimate there are over 100 contracts and orders which would require locating and reviewing in order to extract relevant information in relation to your request. Due to the scope of this request we cannot provide an exact estimate of time and cost, but are assured that it will exceed the appropriate limit as set out in section 12(1). As a result, this take over the time and cost threshold in considering an FOI request and any appropriate action to be taken.

Advice and assistance provided under section 16 of the FOI Act

We suggest you refine your request for information within more specific margins, for example; more specific contracts held by specific teams, then we may be able to continue processing your request.

You may also find it helpful to note that you can search the Government contracts finder database to locate contracts that have been included on this register. This can be found at:

<https://www.gov.uk/contracts-finder>

Please note, any refined request will be treated as a new FOI request and we will respond after consideration of any relevant exemptions under Part II of the FOI Act.

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,

NHS Improvement