

Sterile Services agency supply

Reference Number: RDF2426-24

Date of Response: 08/04/24

Further to your Freedom of Information Act request, please find the Trust's response(s) below:

1. *What framework are you associated with for sterile service agency supply?*

Answer: This information is not held by the Trust.

2. *Who is responsible for agency usage on framework and off framework in the Sterile Services/Decontamination department at all hospitals associated with the Trust?*

3. *Please can you provide the contact number and email address for the manager(s) in questions 1 and 2.*

Answer: for questions 2 and 3 please see FOI Exemption below.

The Trust does not release the names and personal contact details of staff below a Director under Section 40 (2) of the Freedom of Information Act 2000 Personal Information, where disclosure may contravene the Data Protection Act 2018 and therefore applies an exemption under Section 40 (2) - Personal Information of the Freedom of Information Act 2000 and Section 10 of the Data Protection Act 2018.

Please see full exemption on page 2.

Chris Tidman is the Executive Director for Estates and Facilities Management.

The main hospitals contact numbers are 01392 411611 (Eastern services) and 01271 322577 (northern services) or via the Trust 'Contact Us' link on royaldevon.nhs.uk.

4. *Have you used off-framework agency staff between March 2023 and March 2024 in Sterile Services?*

Answer:

Eastern Services Yes.

Northern Services: No.

5. *How much was your Off-Framework agency spend for Sterile Services between March 2023 and March 2024?*

Eastern Service answer: FOI Exemption *Section 43(2) – please see full exemption on page 2.

Northern Service answer: Not applicable.

6. *Do you currently outsource your Sterile Services/Decontamination department, if yes, who do you outsource it to?* Answer: No.

Question 1 *Section 40 (2)

Personal Information of the Freedom of Information Act 2000 and Section 10 of the Data Protection Act 2018.

The disclosure of staff names and contact details would breach the first data protection principle and fail to meet any of the relevant conditions set out in Schedule 2 of the Data Protection Act (DPA) 2018. The first principle in the DPA requires that disclosure must be fair and lawful, and personal data shall not be processed unless at least one of the conditions in Schedule 2 is satisfied. The staff concerned would not have expected their names to be disclosed in the public domain and so disclosure would not be 'fair' in the manner contemplated by the DPA. Furthermore, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 of the DPA. In particular, we do not consider that there is a legitimate interest in disclosure in this case. There is no public interest in making information about our staff available in this way contrary to what would have been their legitimate expectation at the time the information was gathered.

Question 5 *Section 43(2)

The Trust holds this information.

This information is commercially sensitive, and its release would or would be likely to prejudice the commercial interests of the Trust.

In applying the exemption under Section 43(2) the Freedom of Information Act the Trust has balanced the public interest in withholding the information against the public interest in disclosure. The Trust has considered all the relevant factors in the public interest test and concluded that the benefit to the public in applying the exemption outweighs the public interest in releasing the information requested as a result of the prejudices and losses that would potentially affect the Trust and patients. As such this information is being withheld under Section 43 (2).

Public Interest Test (PIT) - Non- Disclosure:

Excluded under Section 43 because releasing the costs of contracts would give potential suppliers an unfair advantage over other bidders when bidding for future work. That advantage would contravene the principle of fairness required from the Trust in Regulation 18 of the Public Contracts Regulations 2015. The release of contract values would undermine the Trust's suppliers' competitiveness in the market and breach the Trust's contracts with suppliers, which typically require contract values to be kept confidential.

Public Interest Test (PIT) – For Disclosure

The Trust understand the need for openness and accountability for tender processes and price, and it recognises the need for value of money.