

**Date response issued: 21/12/2015**  
**Request reference: N-2015-00221**

### **Freedom of Information Request**

The NCHA is researching NHS hearing care in England. Goals of the research include

- assessing whether service provision varies across England and if so how
- assessing whether commissioning meets best practice guidelines
- measuring the impact of policy intervention from Monitor and NHS England

This research is in the public interest. The NHS has a £22bn funding gap and Monitor – the sector regulator – published a report in March 2015 highlighting potentially large efficiency gains in the adult hearing service.

A form is attached to help complete the FoI request efficiently.



### **NHS Norwich CCG response**

The CCG would like to respond as follows:

Questions 1 – 12 - please see the attached documents below.



### **Question 13**

The CCG confirms that it holds this information but withheld it following application of the relevant test under section 43(2) of the FOIA:

*“Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)”*

The Information Commissioner’s relevant guidance states that:

*“...a commercial interest relates to a person’s ability to participate competitively in a commercial activity, i.e. the purchase and sale of goods or services”*

## ***Clinical Commissioning Group***

It is considered that the commercial interests of the providers would be likely to be prejudiced if we disclose the information requested, as it would alert their competitors to their pricing strategies. Furthermore, the tender process considers all aspects of a potential bid and to release the information about current providers would create an unfair advantage should the CCG choose to re-procure.

As this is a qualified exemption we must consider whether the public interest in withholding the information outweighs the public interest in disclosing it.

The main factor in favour of withholding the information is set out in the exemption i.e. there is a strong public interest in ensuring that the commercial interests of the companies providing the services are not prejudiced. If such prejudice occurs it would enable competitors to undercut the organisations when bidding for contracts of a similar nature.

Factors in favour of disclosure of the information are as follows:

1. Furthering the understanding of and participation in the public debate of issues of the day.
2. Promoting accountability and transparency by public authorities for decisions taken by them and in the spending of public money.
3. Allowing individuals and companies to understand decisions made by public authorities affecting their lives.

The CCG considers that the public interest in withholding the information outweighs the public interest in disclosing it.