

Date response issued: 20/02/2017
Request reference: N-2016-00243

Freedom of Information Request

Please can the CCG supply the following information under the FOI act.

1. A list of all blood glucose test strip rebate schemes that were previously in place in the CCG and have since come to an end.
2. A list of all blood glucose test strip rebate schemes that are currently in place in the CCG.
3. For each of the blood glucose test strip rebate schemes currently in place the CCG, please provide the following information where possible:
 - a. The name of the blood glucose test strip included in the rebate scheme.
 - b. The start and, if applicable, end date of the rebate scheme.
 - c. Is the rebate scheme based on an agreed volume?
 - d. Is the rebate scheme based on a percentage of blood glucose test strips prescribed?
 - e. Is there any other condition to the rebate scheme?
 - f. What is the value of the discount applied to the NHS Drug Tariff price of the blood glucose test strip?
4. What is the total income for the CCG from blood glucose test strip rebate schemes for the years 2015 and 2016?

NHS Norwich CCG response

NHS Norwich CCG would like to respond as follows:

1. None.
2. GlucoRx
3.
 - a. GlucoRx Nexus test strips
 - b. 1 April 2016 – 1 April 2017
 - c. No
 - d. No
 - e. No
 - f. The CCG confirm that the information requested is held but are we are withholding it under section 43 of the Act.

Section 43 of the Act provides an exemption for information, the disclosure of which would or would be likely to prejudice the commercial interests of any person (including the interests of suppliers). 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. As this is a qualified exemption we must consider whether the public interest in withholding the information outweighs the public interest in disclosing it.

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.

Factors in favour of non-disclosure are as follows:

1. 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.
2. Disclosure of the withheld information into the public domain could decrease the differentiation between suppliers, as processes, practices and commercial offerings may become homogenised, thus endangering true and fair competition. This would further hinder the ability of suppliers to act competitively within the market. Internal processes that allow such suppliers to create and maintain a competitive advantage would be lost as they become public knowledge, creating unfair competition and stifling innovation and creativity.
3. An expectation that the CCGs are able to withhold information valuable to a supplier ensures that the CCGs are able to secure best value for public money when commissioning services and therefore saving tax payers' money.

The CCGs consider that there is a public interest in disclosure of the withheld information as it promotes openness and transparency around surrounding public spending within the NHS. However, the CCGs do not consider that it would be in the public interest to damage their suppliers' commercial position by disclosure of current commercially sensitive pricing information which would be relied upon by their competitors/bidders to obtain a commercial advantage in upcoming procurements.

On balance the CCGs consider that the public interest in favour of disclosure is outweighed by the public interest in favour of maintaining the exemption in this case. Section 43(2) FOIA was therefore correctly applied to withhold the requested information.

4. The information requested is exempted under section 43 of the Freedom of Information Act, please see the response above.