

Request Title: Car Park Revenue - Herts & Essex Community Hospital

FOI Reference: PSC-64413-B0C9

Date of Disclosure: 23/07/2021

Date Range: 2021

FOI Request:

With regard to Herts & Essex Community Hospital, Bishop's Stortford Car Park

- 1. What is the gross annual income for this car park and net receipt to the NHS after Saba charges/maintenance?*
- 2. Which part of the NHS receives the net income and how is it then dispersed ie is it applied to a general fund or more specifically to patient benefit at H&E Community Hospital or another unit/function*

Our Response:

We confirm we hold the information requested regarding the Herts and Essex Community Hospital car park; however, this information is being withheld in full pursuant to section 43(2) of the Freedom of Information Act 2000.

Section 43(2) of the Act states the following: 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).

In considering this exemption we have paid due regard to the guidance from the ICO which can be accessed at the following address:

<https://ico.org.uk/media/for-organisations/documents/1178/commercial-interests-section-43-foia-guidance.pdf>

Public Interest Test

Section 43 is a qualified exemption. This means that whilst we understand the data is commercially sensitive, we are required to assess the public interest in releasing the data and determine if it outweighs that of withholding it. We believe in this instance that disclosing this information would:

- affect our position in future negotiations
- impact our relationship with contractors
- make potential contractors less likely to engage with us

- impact the overall savings made from well-negotiated contracts
- affect our own commercial interests as a limited company wholly owned by the Secretary of State for Health and Social Care
- affect third parties engaging our current and future procurement processes
- affect the interests of contractors
- affect the future commercial position of contractors.

Factors in favour of release:

- There is public interest in contracts held by the NHS, including the contract in question with Saba.
- Release of the data would encourage scrutiny of NHS processes and decisions.
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Factors in favour of withholding:

- Disclosure of the data would impact our reputational and financial position in the marketplace bidders would be significantly less likely to approach us for commercial opportunities or would be less likely to make strong offers if we were to disclose information of their annual incomes.
- If the data is released, reputational damage would affect future investments which would have a knock-on effect to the money raised for the health economy, including details pertaining to income and dispersal of funds.

Having considered the above, we are of the view that the factors in favour of maintaining the exemption outweigh the factors in favour of disclosure and therefore the balance of the public interest test is greater in maintaining the exemption available under section 43(2) of the Freedom of Information Act 2000.