

Trust Level Sales Data

The information you requested at NHS Trust level and Requisition Point is being withheld as it falls under the exemption in section 43(2) of the Freedom of Information Act. Disclosing this information will prejudice the commercial interests of the suppliers of these products. The reason for this is that, within a highly competitive market, competitors will gain a commercial advantage by targeting sales away when the information is released at this level. This is because as prices are fixed within the NHS Supply Chain Framework Agreement, competitors can target large key users and calculate the discount and pricing strategy.

The below annex sets out the exemption in full, as well as the factors the Authority considered when deciding that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Therefore we have provided the sales figures using the NHS Supply Chain Customer Boards. This is the next level of summary data we hold above Trust level.

This position has previously been supported by the Information Commissioner's Office.¹

<https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2013528/fs50638244.pdf>

NHS Supply Chain holds information on its systems to enable monitoring of all products bought and sold by the business. The information is collected during the tender stage and throughout the lifetime of the Framework Agreement and is used to generate NHS Supply Chain's electronic catalogue; manage stock inventory; monitor sales activity and customer demand.

This request was sent to our Decision Support team who extracted the information from Microsoft Access databases, which hold information on all products sold by NHS Supply Chain. The results were obtained from a combination of our PRDB (Product Database) and TRDB (Transaction Database), and saved as a Microsoft Excel spread sheet. The criteria of the query focused on the specific NPCs sold during the financial period specified in the original request. These are figures for products sold into the NHS by NHS Supply Chain but that the NHS Trusts may also purchase from other sources.

An explanation of any terms that are not in common use:-

No Customer Board Region	Relates to hospitals which are not part of a Customer Region as yet, or are part of a Trust but have made a standalone purchase.
NPC	National Product Code. A unique reference allocated by NHS Supply Chain for each product held.
Supplier	Awarded Supplier on the Framework Agreement

Base Description	Main Description of the product.
Secondary Description	More in depth description of the product
Brand	Name of Product brand
MPC	Manufacture product code

Please note that this request is for all Customer Boards that have purchased within February 2017 - January 2018 as this was a trust specific request.

Annex A

Section 43 - Commercial interests

- (1) Information is exempt information if it constitutes a trade secret.
- (2) 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).
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Public accountability 	<ul style="list-style-type: none"> • Prejudice and weaken NHS Supply Chain's position in managing this framework agreement thereby reducing any cost savings for the NHS • Prejudice and weaken the framework agreement suppliers' competitive advantage if they are aware of each other's' market share. • Information is mainly of commercial interest rather than public interest. • Potentially serious detrimental effect on the commercial interests of the Authority due to a reduction in sales via NHS Supply Chain. • Suppliers bypassing NHS Supply Chain to go directly to trusts/requisition points means negotiations around purchases diverts vital front line resource away from providing patient care.

Reasons why public interest favours withholding information

- I consider that the public accountability in releasing confidential information is outweighed by the potentially serious detrimental effect on the commercial interests of the NHS, the Authority, NHS Supply chain and the framework agreement suppliers.