

Equinox House
City Link
Nottingham
Nottinghamshire
NG2 4LA

Email: FOI@supplychain.nhs.uk
www.supplychain.nhs.uk

13 December 2021

Dear [REDACTED]

RE: SCCL-FOI-2021-086

Thank you for your FOI request, requesting supplier(s) name, catalogue number(s), unit / item size(s), list price(s), and number of units / items purchased in 2019, 2020, and 2021, for all FFP3 masks and Surgical Type IIR masks supplied into the NHS.

Your request has been handled as a request for information under the Freedom of Information Act 2000 and we are able to provide a reply to your request. Supply Chain Coordination Limited (SCCL) confirms it does hold information only for products which NHS Supply Chain supplies into NHS trusts, ordered via the online catalogue. Please note some Trusts procure directly with suppliers as well as other procurement channels and via the DHSC PPE cell. These would not be captured within our reporting system.

SCCL can share most of the data, see attached spreadsheet which does exclude pricing information. After careful consideration, SCCL has refrained from sharing the detail of this due to the other information provided e.g. number of units, eaches etc. This information is therefore deemed exempt from disclosure under Section 43(2) (Commercial Interests) of the FOI Act.

This provides that information can be withheld where disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

SCCL manages the sourcing, delivery and supply of healthcare products, services, and food for its customers, being NHS trusts and healthcare organisations across England and Wales (SCCL's "Customers"). It is responsible for driving commercial objectives, managing the 11 specialist buying functions (known as "Category Towers") and enabling services whilst overseeing continuous improvement.

It is acknowledged that the statutory exemption provided by section 43 of the FOIA requires SCCL to consider the public interest for and against disclosure of the requested information.

Accordingly, considering the public interest arguments for and against disclosure of information to which the exemption provided by section 43 of the FOIA applies.

In conclusion, notwithstanding the strong public interest in public authorities ensuring accountability and transparency, the following public interest factors apply in the case of the requested information covered by section 43 of the FOIA:

1. SCCL, contracting trusts and third-party contracting bodies have legitimate commercial interests in ensuring that the terms by which they are able to operate (including the manner in which they contract) are optimal, particularly in the current economic climate.

2. To release a copy of this data would:
 - a. damage commercial relations between the Trust and/or SCCL and its suppliers
 - b. adversely impact on SCCL's ability to manage its relationship with both the relevant external suppliers and NHS trusts
 - c. adversely impact on SCCL/NHS Supply Chain's ability to achieve best value solutions with its suppliers, who may be constrained in offering those solutions should they be at risk of disclosure under FOIA

It is not in the public interest to prejudice any of SCCL/NHS Supply Chain, relevant NHS trusts and relevant supplier commercial interests at the expense of disclosure which is likely to damage commercial relations and adversely impact on our ability to manage our relationships and any future tenders.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the postal or e-mail addresses above, quoting the reference number above. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the handling of your information request will be reassessed by a member of SCCL staff who was not involved in providing you with this response. If you remain dissatisfied after this internal review, you have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

If you require any further information do not hesitate to contact the FOI team

Yours sincerely,

FOI Team

Supply Chain Coordination Limited
Management Function of NHS Supply Chain