Supply Chain Coordination Limited

[redacted]

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22 January 2025

Dear [redacted]

RE: SCCL-FOI-2024/25-134

Thank you for your FOI request received by the FOI office for the following information. Your request has been handled as a request for information under the Freedom of Information Act 2000 and SCCL are able to provide a response in blue below:

1. Please provide a copy of the background data that supports the response to question 3. This is usually published a form such as this (see link).
   PPE disposals, donations and sales, up to 28 February 2023 (England) - GOV.UK
   Please see attached FOI_134_disposals_by_category.

2. Please can you confirm (approx) how many of the 506 Containers contain PPE that is going to be destroyed, Incinerated and/or recycled?
   All of the 506 containers plan to be destroyed, incinerated and/or recycled.

3. Of the 1,049,700 Pallets of PPE destroyed by being recycled or incinerated to date, please can you confirm if you know the names of the suppliers of the PPE destroyed?
   Please see Q4.

4. If the answer to question 3 is yes, please provide the supplier names along with the qty of PPE they provided that has subsequently been destroyed.
   SCCL holds the information you have requested, please see attached FOI_134_disposals_by_supplier.xlsx - PC version - 14-1-25 PDF documents.

   SCCL can confirm we hold all the data requested however, we are withholding some of this information under section 43(2) (commercial interests), section 23 (security matters), and section 31 (law enforcement) of the FOIA.

   SCCL is applying section 43(2) to some of the information it holds. Section 43(2) exempts from the general duty to release information which would, or would be likely to, prejudice the commercial interests of any entity, including the public authority holding the information.

   Section 43 is a qualified exemption and, as such, we are required to assess the public interest in withholding this information against that of its release.

We recognise the general public interest in making information available in the interests of greater transparency and openness, and a valid public interest in disclosing information about services that are procured using public money. However, we also take into account the fact that this information is commercially sensitive. Disclosure of certain information may place a third party at a commercial disadvantage, which would discourage future commercial partner relationships with DHSC and SCCL, and consequently undermine DHSC's and SCCL's ability to fulfil its role in securing best value for money. Therefore, SCCL takes the view that, in this case, the public interest lies in ensuring that this information is not disclosed.

As referred to above, we are also applying section 23(1) and section 31(1) (a) (b) (c) and (g) to some of the information.

Section 23 relates to information supplied by, or relating to, bodies dealing with security matters. SCCL is applying this exemption as some of the information 'relates' to the National Crime Agency (NCA). The NCA is one of the bodies listed in section 23(3) of the FOIA.

Section 31 relates to Law Enforcement. We consider some of this information to be exempt under section 31(1)(a)(b)(c) and (g), which is where disclosure of information may prejudice: a) the prevention or detection of crime; b) the apprehension or prosecution of offenders; c) the administration of justice; and g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2).

Regarding our use of 31(1)(g), where section 31(2) is engaged, we are claiming the following purposes:

a) ascertaining whether any person has failed to comply with the law; and
b) ascertaining whether any person is responsible for any conduct which is improper.

Section 31 is a qualified exemption and, as such, we are required to assess the public interest in withholding this information against that of its release.

SCCL is aware that there is a clear public interest in disclosure of information and recognises that openness in government may increase public trust in and engagement with government. It also recognises a public interest in assuring the public that effective arrangements are in place for the prevention and detection of crime.

However, our assessment is that the release of this information at this time, may undermine an ongoing investigation, and/or prejudice the outcome of any future court proceedings. It may also be contrary to the public interest to disclose information which would facilitate the commission of crime. Consequently, SCCL is satisfied that this information remains exempt under section 31(1)(a)(b)(c) and (g) of the FOIA.

We hope that this response addresses your request. However, 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 will 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