



Wrightington, Wigan and Leigh Teaching Hospitals

NHS Foundation Trust

Information Governance Department

Suite 9

Buckingham Row

Brick Kiln Lane

Wigan

WN1 1XX

Email: foi@wwl.nhs.uk

Web: www.wwl.nhs.uk

Ref: FOI/2023/8972

Date Received: 9TH June 2023

Response Due: 7th July 2023

Date: 7th July 2023

Dear Sir/Madam

You asked:

I am writing to you under the Freedom of Information Act 2000 to request information from Wrightington, Wigan and Leigh NHS Foundation Trust.

Information requested:

Please may you provide me, in Microsoft Excel or an equivalent electronic format, with a list of non NHS trade invoices that were not paid within 30 days for the last 6 financial years which would feed into the Regulation 113 Notice you are required to publish each year as part of your obligations under The Public Contracts Regulations 2015, with the following information for each invoice (where available):

- The name of the Supplier
- Supplier email address
- Supplier company registration number – We do not hold this information.
- Supplier postal address
- Supplier telephone number
- Supplier website – We do not hold this information.
- The date of the invoice
- The invoice reference.
- The gross value of the Invoice
- The date the invoice should have been paid by
- The actual payment date of the invoice
- The total amount of interest liability due to late payment of the invoice
- The total amount of interest paid to the supplier due to late payment of the invoice.

For the avoidance of doubt the above would be based on the data, which is shown on your website, summarised in the Annual Report on pages 258 (2016/17), 170 (2018/19), 110 (2019/20) and the equivalent for the financial years 2017/18 and 2020 to 2022 inclusive.

In response to points 8, 12 and 13 of your request, please see our refusal notice below.

With regards to the remaining points please see the attached spreadsheet.

Section 43(2) - Commercial interests.

(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).

Section 43(2) is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we must consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party.

Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have access to this information beyond the requestor and the purposes for which they could use the information.

Prejudice to commercial interests

The Trust has examined the impact of releasing the information withheld under Section 43 (2) in order to decide if disclosure would be likely to prejudice our commercial interests or the commercial interests of a third party. The information required to provide a response regarding the invoice reference for each NHS trade invoice, total amount of interest liability due to late payment and the interest paid due to late payment is contractually confidential and would be likely to prejudice the commercial interests of ourselves and those who intend to tender for this service.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the information currently withheld under this exemption would be likely to prejudice commercial interests of the Trust as it will reveal details which would be likely impact on future spending and also prejudice our ability to effectively negotiate and achieve best value for the public purse.

It is the view of the Trust that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

If you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department via the email address provided. If we do not hear from you within 40 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'T. Gardner', on a light-colored background.

Tabitha Gardner
Chief Finance Officer

PLEASE NOTE:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

Helpline number: 0303 123 111