

Freedom of Information Request

Reference Number: EPUT.FOI.20.1382
Date Received: 03 January 2020

Information Requested:

I would like the organisation to review my freedom of information request below, that's focused around contract data for services around facilities management.

For each of the different contracts below, can you please provide me with all the information using the questions below:

1. Office and building cleaning – Service contract that is focus around office, commercial and building cleaning services.
2. Lift service and maintenance – Service contract for lift service and maintenance.
3. Food – Service contract that is focused around catering services.
4. General waste services contracts – The organisation's primary general waste service contract.
5. Laundry services where clothes and linen can be washed and ironed.

Contract profile questionnaire for each type of contract:

1. Supplier/Provider of the services
Please see attached document
2. Total Annual Spend – The spend should only relate to each of the service contract listed above.
The Trust is unable to provide all of this information to you direct because the Trusts annual expenditure is submitted and published in the Trust's annual accounts on Trusts public Website under Transparency of Transactions
<https://eput.nhs.uk/about-us/reports-accounts/transparency-of-transactions/>
The Trust is therefore is applying Section 21 exemption of the Act (Information accessible to applicant by other means).
Please see attached document for information not listed on the public Website.
3. A description of the services provided under this contract please includes information if other services are included under the same contract.
Please see attached document
4. The number of sites the contract covers
Please see attached document

5. The start date of the contract
Please see attached document
6. The end date of the contract
Please see attached document
7. The duration of the contract, please include information on any extensions period.
Please see attached document
8. Who within the organisation is responsible for each of these contracts? name, Job Title, contact number and email address.
The Trust is unable to provide all of this information. This is because the Trust considers staff names to be personal information which is exempt under Section 40 (Personal Information) of the Act.

In addition Trust policy states that personal information will only be given for those staff with public facing roles:

- Public Interest Roles - those staff occupying positions of seniority with public profiles and responsibilities for major (policy) decisions and expenditure of public funds. (Freedom of Information Policy & Procedure: Section 3.3)

However the Trust can confirm that the following:

Procurement and Contract Management:

Contracts Manager, Contracts Department, Lodge, Lodge Approach, Wickford, Essex, SS11 7XX

Day to Day Management:

Head of Estates and Facilities, Pride House, Southfields Industrial Estate, Christy Close, Laindon, Essex, SS16 5EA

Applied Exemption:

Section 21: Information accessible to applicant by other means:

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
 - (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection)

to members of the public on request, whether free of charge or on payment.

- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Section 40: Personal information:

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
 - (a) it constitutes personal data which do not fall within subsection (1), and
 - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
 - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.

- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).
- (5) The duty to confirm or deny—
 - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
 - (b) does not arise in relation to other information if or to the extent that either—
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
 - (ii) by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.
- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;
 - “data subject” has the same meaning as in section 1(1) of that Act;
 - “personal data” has the same meaning as in section 1(1) of that Act.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT’s Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>

	Cleaning	Lift Service and Maintenance	Food	Food	Food	Food	General Waste	Laundry
Supplier Name	In-house	Essex Lift Service	Brake Bros	Anchor	Pensworth Dairies	Tillery Valley	SRCL	Synergy
Total Annual Spend		£5000 - £10,000 (Reactive / PPM / Service)	The Trusts annual expenditure is submitted and published in the Trust's annual accounts on Trust web page under Transparency of Transactions		£20,000 - £30,000 (November 2019 - January 2020)	The Trusts annual expenditure is submitted and published in the Trust's annual accounts on Trust web page under Transparency of Transactions		
Description of Service		Lift Service and Maintenance	Fruit and Vegetables and Ambient Food	Sandwiches, Salads and Wraps	Bread and Milk	Cook Chilled Food Service	Total Waste Management Service	Linen and Laundry Service
Number of Sites Covered		Trust wide	Trust wide	Trust wide	Trust wide	Trust wide	Trust wide	Trust wide
Contract start date		April to April (Standing Order). Please Note: The Trusts Estates and Facilities Team are undertaking a review of all Services with a view of transferring to Contracts.	27th November 2017	27th November 2017	1st November 2019	27th November 2017	1st October 2018	13th January 2020
Contract end date		N/A	26th November 2020	26th November 2020	31st October 2020	26th November 2020	30th September 2021	12th January 2023
Contract Duration		N/A	3 years	3 years	1 year	3 years	3 years	3 years
Extension Options		N/A	2 years in 12 month periods	2 years in 12 month periods	12 months	2 years in 12 month periods	2 years in 12 month periods	2 years in 12 month periods