

## Freedom of Information Request

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**Reference Number:** EPUT.FOI.23.3053 (001)  
**Date Received:** 3<sup>rd</sup> of October 2023

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### Information Requested:

Thank you for your email however the PDF attachment does not fulfil my request for information as only the invoice date, value and pay date are provided. No further explanation as to why my request was not being fulfilled was given.

As such, please conduct an internal review into this matter.

### The Trust's response

The request is for granular transactional details of late payments over a period of 6 years.

The requestor original quotes obligations under Regulation 113 and Public Contracts Regulation 2015 (attached) to provide this information. Our interpretation of this Regulation (Sec7) is that it requires us to provide metrics on performance against late payments but no requirement to publish at individual transaction level.

The request prescribed 13 data fields for each applicable invoice over the six year period. Although our Accounting systems holds some of these fields e.g. invoice number it does not hold other items requested e.g. supplier website. Obtaining this information would therefore involve a manual review and collection of invoices spanning 6 years. This would have involved a significant manual trawl and been a time consuming exercise. As such a S12 exemption was applied.

Our internal review also highlighted concerns that the granular nature of the request could, potentially have a detrimental commercial and financial impact on the Trust. The Trust believes that this information is of commercial interest and may prejudice either the supplier or the Trust. The Trust is therefore also applying Section 43 of the Act (Commercial Interests):

The Trust did, however, provide summary of information requested which enabled the respondent to ascertain the substance of the request i.e. the value of late payments but certain details were withheld. The information provided was:-

- 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.

Our conclusion is that the request may have material financial and commercial implications to the Trust. The Trust has been reasonable in providing summary detail that responds to the substance of request.

The Trust therefore considers that in view of the reasons above the exemptions outweigh the interest in disclosure.

### **Your right to contact the ICO**

If you are not content with the outcome of this internal review, you have the right to contact the Information Commissioner's Office. You can find out more about how to do this by visiting <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>.

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### **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>