

22 September 2020

BY EMAIL

Our Ref: FOI 1312

Dear 

Your request for information was received on 13th August 2020 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested with regards to the Tender for Automated Laboratory Medicine Systems.

Please accept my apologies for the delay in providing you with a formal response in relation to this request.

Please find this information below:

The number of tender submissions that named Ortho as a sub-contractor for the tender

1 tender submission

The names of those bidders that included Ortho as a sub-contractor in their submissions for the tender.

Abbott Diagnostics

Under the FOIA, section 43 (commercial interests) is a qualified exemption. This means that even if information falls within an exemption, a public authority is under a duty to consider whether disclosure should nevertheless be made in the public interest.

A copy of the public interest test, as applied by BSO, is provided for your information



I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,
2 Franklin Street,
Belfast,
BT2 8DQ

If, following an internal review, carried out by an independent decision making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,



Karen Bailey
Acting Chief Executive

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The Public Interest Test

In determining whether or not the public interest in withholding information outweighs the public interest in disclosing information, BSO considered the factors favouring disclosure and the factors against disclosure. The application of the Public Interest Test in relation to the identification of prime contractors who named Ortho Diagnostics in their tender documents is set out below.

Exemption claimed in respect of Section 43(2) Commercial Interest	
In favour of disclosure of information	In favour of not disclosing information
1	Expenditure of public money requires openness, transparency and accountability.
1	The disclosure of the information may prejudice the various bidders' market position and therefore their commercial interests. Disclosure of prime contractors and sub-contractors may contribute to this.
2	Disclosing information could feasibly aid the public in understanding public authority contracting arrangements and tendering processes.
2	Deter competition for public sector contracts – There is a public interest in ensuring that companies can compete fairly and that there is fair competition for public sector contracts.
3	Promoting competition for public sector contracts – There is a public interest in ensuring that there is competition for public sector contracts. Increasing access to information about the tendering process and supply chains may encourage more potential suppliers to enter the market.
4	ICO Decision Notice FS50857510 confirmed the public interest in favour of maintaining the exemption does not outweigh the public interest in favour of disclosure

	in relation to identification of sub-contractors.		
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The release of this information is consistent with the ICO December 2019 decision.