Freedom of Information Request: Our Reference CTHB_263_19

You asked:

Please can I request under the Freedom of Information Act the following information in relation to any Private Finance Initiative contracts ever struck by yourselves or your predecessor organisations:

1) For each contract, the projected total (whole life) cost of the scheme, in £, detailed when the scheme was first agreed (i.e. the original projected cost of all Unitary Charge Payments over the full life of the scheme).

There are two contracts:

1. Royal Glamorgan Hospital Staff Residences at Ansari Court – projected total cost of unitary charge payments £6.646m
2. Combined heat and power plant at Prince Charles Hospital – projected total cost of unitary charge payments £14.080m

2) The projected total (whole life) cost of the scheme, in £, as at August 1, 2019 (i.e. the real cost for previous years and projected cost for future years of all Unitary Charge Payments over the full life of the scheme).

As above.

3) A copy of the original contract/agreement;

We are withholding this element of your request as the contract/ agreement contains information that we consider to be exempt under Section 43 – Commercial Interests of the Freedom of Information Act. Section 43(2) of FOIA states that information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding it. The exemption is subject to the public interest test which means that even if it is engaged account must be taken of the public interest in releasing the information.

This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the Health Board when deciding whether to release this information because it was felt that in doing so it could be a significant risk in prejudicing the commercial interests of the company in question. As this is a qualified exemption the Health Board must carry out the public interest in deciding whether it is in the publics' interest whether to withhold or disclose the information.

The Health Board accepts that there is a public interest in ensuring openness and transparency and there is an interest in the public being aware of how much money is spent and the benefits derived from that expenditure. However, the

Health Board believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. It was therefore decided that it was not in the public's interest to disclose this information.

4) An itemised list of any payments made to the PFI contractors for services not included in the original PFI deal, from the beginning of the deal to the current date, and to include exact details of what was being paid for.

We cannot provide this information as we do not monitor the information in a way that would allow us answer this element of your request.