

Freedom of Information Request

Reference Number: EPUT.FOI.24.3570
Date Received: 11/06/2024

Information Requested:

Under The Freedom of Information Act 2000, could you kindly answer the following questions:

1. I wish to know how much your trust has spent on specialist bariatric equipment for obese/bariatric patients (patients over 160kg) during the last three financial years?
The Trust believes that this information is publicly available on the : [Original Question: \(eput.nhs.uk\)website](#) and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

2023-2024 - £17,792.87

2. Please give a breakdown of the type of equipment used by the trust and the amounts spent, split between Rental expenditure and Purchased Equipment?
The Trust believes that this information is publicly available on the : [Original Question: \(eput.nhs.uk\)website](#) and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

2.1. If equipment used is on a Rental basis, please specify if this was under a contract basis or ad hoc?

The Trust believes that this information is publicly available on the : [Original Question: \(eput.nhs.uk\)website](#) and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

2.2. When is the contract due for renewal?

The Trust believes that this information is publicly available on the : [Original Question: \(eput.nhs.uk\)website](#) and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

2.3. If known, who is the contract with?

The Trust believes that this information is publicly available on the : [Original Question: \(eput.nhs.uk\)website](#) and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

2.4. If under a contract, please supply the means of contract award, i.e framework or direct award.

The Trust believes that this information is publicly available on the : [Original Question: \(eput.nhs.uk\)website](#) and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

3. How many Bariatric beds does the Trust own?

The Trust believes that this information is publicly available on the : [Original Question:](#)

(eput.nhs.uk) website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

Applied Exemptions:

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 12 Exemption where cost of compliance exceeds appropriate limit):

The Trust is unable to provide all of the information requested as this would exceed the time and cost limits, as set out in the Act. The Trust is therefore applying Section 12 of the Act (where cost of compliance exceeds appropriate limit).

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

- (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated

Section 43 (Commercial Interests):

The Trust believes that this information is of commercial interest and may prejudice either the supplier or the Trust. The Trust is therefore applying Section 43 of the Act (Commercial Interests):

- (1) Information is exempt information if it constitutes a trade secret
- (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)
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2)

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>