

Freedom of Information Act 2000 disclosure log entry

Reference

23-24138

Date response sent

08/08/23

Subject

Invoices paid 30+days Apr '17 to Mar '23

Details of enquiry

provide me, in Microsoft Excel or an equivalent electronic format, with a list of non NHS trade invoices that were not paid within 30 days for the last 6 financial years (2017/18 to 2022/23 inclusive) which would feed into the Regulation 113 Notice you are required to publish each year as part of your obligations under The Public Contracts Regulations 2015, with the following information for each invoice (where available):

1. The name of the Supplier
2. Supplier email address
3. Supplier company registration number
4. Supplier postal address
5. Supplier telephone number
6. Supplier website
7. The date of the invoice
8. The invoice reference
9. The gross value of the Invoice
10. The date the invoice should have been paid by
11. The actual payment date of the invoice
12. The total amount of interest liability due to late payment of the invoice
13. The total amount of interest paid to the supplier due to late payment of the invoice.

Response sent

The data you have requested is supplied in spreadsheet form, and may be reached via the following link: https://tavistockandportman.nhs.uk/documents/3250/att_23-24138_Invoices_30_days.xlsx.

Where we have withheld information, this is listed below alongside the appropriate exemption which has been engaged. At the end of our answers we have provided Exemption details and the bases for their engagement.

1. The name of the Supplier
Provided: This has been included within the table referenced via the above link.
2. Supplier email address
Withheld: Section 40(2) of the FOIA, Personal information,
 - Where individual suppliers' staff email addresses are held on file, these are withheld as personal information of the supplier's individual staff members.**Withheld:** Section 21 of the FOIA, Information is publicly available and accessible by other means

- Where we do not hold specifically named staff email addresses.
3. Supplier company registration number
Withheld: Section 2 of the FOIA, Information is publicly available and accessible by other means
 - We are not required to provide information which is publicly available.
 4. Supplier postal address
Withheld: Section 21 of the FOIA, Information is publicly available and accessible by other means
 5. Supplier telephone number
Withheld: Section 21 of the FOIA, Information is publicly available and accessible by other means
 6. Supplier website
Withheld: Section 21 of the FOIA, Information is publicly available and accessible by other means
 7. The date of the invoice
Provided: This has been included within the table referenced via the above link.
 8. The invoice Reference
Withheld: Section 31a of the FOIA, Law Enforcement: the prevention or detection of crime
 9. The gross value of the invoice
Provided: This has been included within the table referenced via the above link, and is shown as Purchase Invoice Amount.
 10. The date the invoice should have been paid by
 This is shown in the table provided, as the Payment Due Date.
 11. The total amount of interest liability due to late payment of the invoice
 We confirm that our suppliers do not levy late payment interest costs, but some do levy a late payment set charge. We do not record late payment charges separately which would generally be added to the following invoice.
Withheld: Section 12 of the FOIA, The cost of compliance exceeds the 'appropriate limit'
 We can confirm that the Trust holds details of late payment charges on invoices, as received, but we have estimated that it will cost more than the statutory limit to extract and manually review each of the 14,477 invoices paid late, as listed in the attached table.

Details of Exemptions under the Freedom of Information Act 2000 (FOIA) which have been relied upon in this response to your request.

i. Section 40(2) Personal Data

We confirm that we hold email addresses of specific individuals who work for our suppliers, with whom we liaise, which is regarded as personal information.

Section 40 is an absolute exemption that does not require the authority to carry out the public interest test.

ii. Section 21: The information is accessible by other means.

This information is publicly available and may be reached via general internet searching.

Section 40 is an absolute exemption that does not require the authority to carry out the public interest test.

- iii. **Section 31a: Withheld: Law Enforcement: the prevention or detection of crime.** This is a qualified exemption that requires the authority to carry out the public interest test. We have carried out the public interest test and have set out below the public interest arguments which we have considered:

Arguments in favour of disclosure:

- Promoting accountability and transparency on how public funds are invoiced and spent

Arguments in favour of maintaining the exemption:

- The Trust has a duty to ensure that its billing data is kept secure
- This data is confidential between the supplier and the Trust. Its release into the public domain could facilitate criminal activity,
- Disclosure of the requested information into the public domain could, increase the Trust's vulnerability to attempted cloning or fictitious invoicing by unknown parties.
- These vulnerabilities could impact suppliers on whose services the Trust relies.
- Disclosure of the requested information could facilitate criminal activity, in particular internet crime, and especially when combined with other information already in the public domain or which could be gleaned from other sources, including any information that the Trust has previously provided or may disclose in the future.

The Balance of Public Interest

We have concluded that, on balance, the public interest in maintaining the exemption outweighs the public interest in disclosure.

- iv. **Section 12: Withheld: The cost of compliance exceeds the 'appropriate limit'.** We confirm that the Trust holds information that falls within the description of late payment charges, but we have estimated that it will require more resources than that provisioned under the Freedom of Information Act 2000 (FOIA 2000) to consider your request. Section 12 of FOIA 2000 provides for refusal of requests for information where the cost of dealing with them would exceed the appropriate limit of 18 hours/£450, calculated at a generic rate of £25/hour.

This single question alone would require examination of 14,477 invoices which at circa 5-10 mins each to open/search/identify and record where any late payment charge has been levied. We have calculated that a minimum rate of 5 mins search per invoice would therefore take 1,207 hours, or 32 hours. On this basis, we must decline to process this question further.