GIG CYMRU NHS WALES | Bwrdd Iechyd Prifysgol Caerdydd a'r Fro | Cardiff and Vale University Health Board

Freedom of Information Act 2000 – Request Reference FoI/24/339
Parking Enforcement

1. **Financial Revenue and Distribution:**

How much revenue was generated from parking fees charged to NHS staff for the last financial year? Of this revenue, what percentage or amount was paid to private parking management companies?

There are no parking fees charged for parking at parking facilities of Cardiff and Vale University Health Board (the UHB). A parking charge notice (PCN) is issued when local parking regulations are not observed. The UHB derives no financial benefit from these PCNs.

2. **Private Companies Profiting:**

Can you provide a list of the private parking companies that have benefited from these arrangements within the last financial year?

The UHB currently has a contract with ParkingEye Ltd for the provision of parking management and enforcement at specific sites within the UHB.

3. **Revenue Breakdown:**

Please provide a breakdown of the revenue generated from parking fees and fines, per hospital or area within your trust, for the last financial year.

After considering your request, the UHB considers this information to be exempt from disclosure under section 43 of the Freedom of Information Act 2000 ('Commercial interests'). 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 UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of both the supplier and the UHB. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure

There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure

It has been established that releasing the information sought under the Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors.

Cardiff and Vale University Health Board v Information Commissioner (EA/2021/0030V) determined there was a causal link between the potential disclosure of the information sought and prejudice to ParkingEye's commercial interests. The judge also accepted in this case that such a prejudice would be likely to occur on the balance of probabilities. If this information were to be disclosed, it is likely it would enable a competitor to gain insight into ParkingEye's business model to the latter's disadvantage. This in turn could lead to less effective use of public funds in future. The UHB believes that there is wider established public interest in suppliers not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 *ICO v Royal Marsden Hospital Trust*).

Decision

The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to the supplier's competitors. The UHB 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 follows that this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it is not in the public's interest to disclose this information.