

**Freedom of Information Act 2000 - Request Reference Fol/21/012**  
**Stonewall Cymru**

**Request Details**

**I am making a request under the Freedom of Information Act 2000 to be supplied with the following information:**

- 1. The first date in which you became a member of Stonewall Cymru Diversity Champions Programme and confirm if you are still a member.**

25/11/13 - Cardiff and Vale University Health Board (the UHB) can advise that its intention is to continue with the membership.

- 2. The amount of membership fees paid to Stonewall Cymru since joining their Diversity program.**

After considering your request, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of Information Act 2000 (Section 43) 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 the company in question. 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:** There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with agencies. This in turn could lead to less effective use of public funds in future. It has been established above that releasing the information under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. The UHB believes that there is wider established public interest in companies 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 competitors of the supplier to which this information concerns. 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. In turn 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 was not in the public's interest to disclose this information.

### **3. Benefits received by Cardiff and Vale University Health Board from this Membership.**

The benefits have included:

- Demonstrates the UHB's commitment to diversity to their staff, patients, community, customers and clients.
- Network with employers in the health sector leading to cross sector networking.
- Showing the UHB's support for the LGBT+ community.
- The UHB wants to be a workplace that is truly inclusive, attract and retain staff who are more creative, productive and able to realise their full potential.
- Being a Stonewall Diversity Champion gives the UHB access to a whole new talent pool through a free profile in their Starting Out Careers Guide enabling The UHB to promote its inclusive workplace culture to Lesbian, Gay and Bisexual graduates and students
- Look to advertise job opportunities on Stonewall's Proud Employers website - exclusive for Diversity Champions the webpage receives approximately 60,000 visitors per year.
- Receive support in effectively engaging with all staff about the importance and effectiveness of diverse workplaces – advice on internal communication and signposting towards examples of good practice and innovation.
- Facilitate staff development through Stonewall Scotland's Role Models and LGBT Allies programmes.
- Equality Act - all publicly funded bodies must show how they proactively consider the needs of LGBT staff and service users.