

Freedom of Information Act 2000 (FOIA) Decision notice

Date: 5 September 2024

Public Authority: NHS England

Address: Quarry House
Quarry Hill
Leeds
LS2 7UE

Request:

The complainant requested the following information from NHS England on 28 April 2024:

"This is a Freedom of Information request relating to the decision making and assessment of the Federated Data Platform contract that was awarded in Nov 2023 to Palantir, Accenture, Carnell Farrar, PwC and NECS.

According to the information in the NHS Federated Data Platform and Associated Services Document 1: Prospectus document (link below) the evaluation process is as follows.

" 3.7.3 Quality Evaluation Participants will respond to the ITCD with their Outline Solutions. An Evaluation Panel established by NHS England will assess Participants' responses in accordance with the scoring methodology, as detailed in Table 9. Evaluators will evaluate each Tender independently and provide a score. Following the independent evaluation, a consensus meeting will occur where evaluators agree a final score by consensus for each of the quality questions. This meeting will be chaired by a member of the Commercial team. Consensus scores will be the final quality score for Stage 2 for each Participant."

<https://www.england.nhs.uk/wp-content/uploads/2023/05/PRN00389-nhs-federated-data-platform-and-associated-services.pdf>

1. I request all meeting papers/briefings for the consensus moderation meeting chaired by the NHS England commercial team, including any minutes, messages or informal readouts to attendees.
2. I request any meeting papers/minutes etc. for any preparatory meetings or briefings for evaluators.
3. I request the details of any evaluation responses excluded or disregarded during the consensus/moderation meeting and the reasons why these responses were excluded.
4. I request to see any responses from any of the pre-moderation evaluators independent evaluations which relate to data security, privacy or international security."

Commissioner's Decision:

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore the Commissioner finds a breach of section 10.

Steps:

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Right of Appeal:

Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**