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Welsh Blood Service



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Velindre Cancer Centre

Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
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Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

Date: 18th September 2023

Ref: CORP 2023 - 122

Dear *****,

**Freedom of Information request : Request for Review of CORP 2023-063
(Hosting Contracts with 3rd Party Providers)**

Thank you for your request to undertake a review of CORP 2023-063 “Hosting Contracts with 3rd Party Providers” which was received by the Trust on 27th July 2023.

Your original request for information was dated 11th April 2023, in your letter you requested the following information:

As per my records, the hosting contract below has expired. I would like to know whether this contract is still valid or replaced by any other supplier.

- *Cloud ConnectWise*
- *Cloud Phishing Tackle*
- *Other Malinko*
- *Cloud Naqoda*

If all the information besides the contract dates are the same, I am happy to just receive an update on the contract dates

Below highlighted original FOI request for your reference only.

I wish to submit a request to the organisation around their hosting contract(s)

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with 3rd party providers.

The type of contract I wish to see is below:

1. *Dedicated hosting- Managed environment*
2. *Co-Location- hosting allows a business to still own their own server equipment; however, instead of storing it in their own data centre, they instead are able to store it in rented space in a colocation hosting centre.*
3. *Cloud Hosting- Cloud hosting services provide hosting for websites on virtual servers, which pull their computing resources from extensive underlying networks of physical web servers.*

Not all of these will be applicable to the organisation.

For the different types of hosting services, can you provide me with the following information:

1. *Type of hosting – Dedicated, Co-Location, Cloud Hosting, Other?*
2. *Who is the supplier of the contract? If possible can you also provide me with the name of the vendor, if applicable?*
3. *What is the annual contract value for each contract?*
4. *What type of cloud environment?*

Private Cloud- a distinct and secure cloud based environment in which only the specified client can operate.

Public Cloud - where cloud services are provided in a virtualized environment, constructed using pooled shared physical resources, and accessible over a public network such as the internet.

Hybrid- integrated cloud service utilising both private and public clouds to perform distinct functions within the same organisation.

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5. *What is the original start date of the contract agreement? If there are more than one contract please provide me with the start date for each contract.*
6. *What is the actual expiry date of the contract agreement? If there are more than one contract please provide me with the expiry date for each contract.*
7. *When will the organisation plan to review this contract? If there are more than one contract please provide me with the review date for each contract*
8. *What is the contract period in years? Please include whether the agreement has any extension periods?*
9. *What services are provided under the contract? Please do not put hosting information such as web hosting, file storage, hosted application. The more information the better.*
10. *Can you please provide me with the contract officer responsible for this contract? Complete contact details if possible name, title, contact email and number.*

The Trust responded to you on **9th May 2023**. In its response, the Trust reviewed its disclosure log and found that your request for information was identical to a previous request from you which was responded to by the Trust on **4th August 2022**.

In that response the Trust enacted a refusal notice under Section 17(1) of the Freedom of Information Act for the following reasons:

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- The application of Section 31(1) (a) (prevention and detection of crime) remained extant from the Trust's previous letter to you on 4th August 2022.
- The application of Section 40(2)(a) and (b) and 40(3A)(a) (Personal Data) remained extant from the Trust's previous letter to you on 4th August 2022.
- Application of Section 14(2) (repeated request) which is a qualified exemption and is defined within the Act as follows:

“Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request”.

- The application of Section 14(2) by the Trust was because your request for information related to information already provided to you and that the content of the information had not changed since the Trust's last response to you on 4th August 2022. Indeed, you stated that you had asked for the information previously in your request dated 11th April 2023.

In order to provide you with assistance for future requests, the Trust sent a hyperlink to its disclosure log to enable you to access information it had already published.

The Trust also advised you that you had 40 days from the date of the letter (**9th May 2023**) to request a review. The following timeline may prove useful for you:

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- 40 day deadline to request a review - **17th June 2023**
- Date request for review received - **27th July 2023**
- Time elapsed since the Trust's letter to you - **80 days**

In relation to the Trust's obligations, Section 5.3 of the Freedom of Information Act states:

"It is usual practice to accept a request for an internal review made within 40 working days from the date a public authority has issued an initial response to a request and this should be made clear in that response to the applicant. Public authorities are not obliged to accept internal reviews after this date. Internal review requests should be made in writing to a public authority."

This means that the Trust it is not obliged to accept your request for an Internal Review.

To ensure that it acted correctly and within the spirit of the Freedom of Information Act Code of Practice, the Trust sought and took advice from the Information Commissioner. As a result of that advice and in accordance with Section 16 of the Act (duty to advise and assist), the Trust has made the decision to exceptionally undertake a full and comprehensive review of its response to you on **9th May 2023** and also take into account its previous responses to you where you asked for the same information during 2022.

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By undertaking this approach it provides you with an opportunity to receive information should the Review identify that information should have been provided to you and for the Trust to review its original response of **9th May 2023** and to take into account previous responses provided to you in 2022.

This decision to exceptionally undertake the Review was communicated to you on **23rd August 2023** via email, with a deadline to respond to you by **8th September 2023**. Review. The delay in completing the Review is regretted, however, this was due to Service pressures within the Trust.

The Review found that your request for information was formulated correctly in accordance with Section 8 of the Act;

(1) In this Act any reference to a “request for information” is a reference to such a request which—

(a) is in writing,

(b) states the name of the applicant and an address for correspondence, and

(c) describes the information requested.

(2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—

(a) is transmitted by electronic means,

(b) is received in legible form, and

(c) is capable of being used for subsequent reference.

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The Review found that the Trust had acted correctly within the stipulation of Section 10(1) of the Act;

(1) Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.

The Review found that it the Trust was not obligated to agree to an Internal review in line with Section 5.3 of the Freedom of Information Act Code of Practice as the request for review was some 40 days after the 40 day deadline for a review request. But, for the reasons indicated above, has exceptionally agreed to undertake a Review.

The Review examined previous information provided to you and also where information was not released whether the rationale for its Exemption could still be relied upon.

The Review advised the Trust that the following Exemptions remain extant, reasons are articulated below:

- The application of Section 40(2)(a) and (b) and 40(3A(a)) Personal Data is an Absolute Exemption where a requestor requests personal data of an individual other than themselves. The Trust has a legal obligation to protect the rights of all Data Subject in accordance with Data Protection legislation.
- The application of a Qualified Exemption under Section 31(1)(a) (prevention and detection of crime) in relation to your request for information on the use of

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Phishing Tackle. Phishing Tackle is simulated campaign software, for information and cyber security reasons the Trust's original decision to apply the Exemption remains extant.

As significant time has passed (1 year) between your original request from 2022 and the completion of this review (August 2023), the Review found that Section 14(2) (repeated requests) no longer can be applied with regards to information on the following software. Therefore the information requested is provided below:

- ConnectWise
 - Contract date 24/04/2023 - 24/04/2024
 - Cost: £4,536 per year
 - Cloud hosted
- Malinko
 - Contract date 01/05/2023 – 30/04/2024
 - Cost: £16k per annum
 - Cloud hosted
- Naqoda
 - Contract date 01/05/2023 – 30/04/2024
 - Cost: £16k per annum
 - Cloud hosted

To assist you, it should be noted that frequent requests for information where the information does not change, may be exempted under Section 14(2) of the Act by the

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Trust. This is because the Trust has finite publicly funded resources which must be used appropriately whilst complying with its legislative obligations.

Notwithstanding the need to use finite resources wisely, to assist you in finding information that has been published by the Trust, a link to the Trust's disclosure log is published for you [here](#).

The Review is now complete. Should you not be satisfied with the information supplied or the process of the Trust's Review, supplying it, you have a right to complain.

You should forward your complaint to:-

Information Commissioner's Office - Wales

2nd Floor,

Churchill House,

Churchill Way,

Cardiff,

CF10 2HH

Telephone: 0330 414 6421

email: wales@ico.org.uk

Yours sincerely,

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