

Reference: 01821061

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

5 June 2024

## Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom's Private Health Insurance.

We received this request on 15 May 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

### Your request and our response

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*This is a freedom of information request relating to private health insurance for employees over the last three full financial years (2021-22, 2022-23, 2023-24).*

*Please include the following information:*

*\* How many staff are receiving private health insurance paid for by your organisation?*

All Ofcom colleagues are provided with private health insurance as part of our employee benefits provision. Please see [Annual Report and Accounts 2022/23](#) for Headcount Data.

*\* What is the total cost of providing private health insurance to all employees?*

While we hold this information, we are withholding it as we consider it is exempt under section 43 of the FOI Act. Section 43(2) provides that information is exempt if its disclosure under the FOI Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

We consider that disclosure of this information at the current time would pose a significant risk of prejudice to our commercial position and that of our current provider, for the reason that the procurement of the next contract for private medical insurance is to commence imminently. As such the disclosure of this information would be likely to have a significant impact on the competition, particularly given there is a small market for private medical insurance services and because price as a criterion plays a large role in the tender evaluation process.

We are therefore unable to provide the contract cost information you have requested as we consider that this information would be likely to prejudice Ofcom's commercial interests and the commercial interests of our current provider.

Section 43(2) of the FOI Act is a qualified exemption, which means that we have to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information.

The attached Annex A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

More broadly, please also note that Ofcom is not funded by taxpayers, but by a levy on the industries we regulate.

I hope this information is helpful. If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) – quoting the reference number above in any future communications.

Yours sincerely,

## Information Requests

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### **Request an internal review**

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress.

Please email the Information Requests team ([information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)) to request an internal review.

### **Taking it further**

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).

**Annex A**

<p><b>Section 43(2) of the FOI Act provides that:</b></p> <p><i>Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).</i></p>	
<p><b>Factors for disclosure</b></p>	<p><b>Factors for withholding</b></p>
<ul style="list-style-type: none"> <li>• Enabling the public to gain a better understanding of Ofcom’s expenditure, and thereby increasing transparency and public confidence in Ofcom.</li> </ul>	<ul style="list-style-type: none"> <li>• Ofcom is about to procure a contract for the provision of private medical insurance for Ofcom colleagues. To release commercially sensitive information such as the cost of the current contract (which covers services for 4 years from 1 January 2020 to 31 December 2024) at this time would put us in a detrimental position for this imminent procurement. Disclosure of this information would also put the current supplier in a detrimental position given the relatively small market and the significance of price as a criterion in the tender evaluation process.</li> <li>• We consider that even providing the previous years’ contract values e.g. 2021 would still be detrimental as one could closely estimate the likely contract value year on year through to December 2024</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p>	
<ul style="list-style-type: none"> <li>• Ofcom publishes information on its annual expenditure in its Annual reports and plans (see specifically the section on “Financial Statements”).</li> <li>• Ofcom’s ability to obtain value for money in respect of the private medical insurance provided for colleagues would be undermined in relation to the imminent procurement if details of the expenditure for the years requested were disclosed.</li> <li>• We consider that the potential prejudice to commercial interests outweighs the public interest in disclosure of spend information, given that Ofcom publishes an annual statement and the information requested arguably only provides a limited contribution to enabling the public to better understand how Ofcom performs its functions.</li> </ul>	