

# Request title: Enotes project

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Date of Response: 25<sup>th</sup> November 2015

Further to your Freedom of Information request, the Trust has answered your questions in the order they appear in your request.

## Request

- 1) Total spend on project so far (£)
- 2) Whether the Trust is pursuing the vendor for breach of contract
- 3) What (if any) of the original investment has been written off
- 4) What will happen to those employees who either:
  - a) failed to deliver the project, and/ or,
  - b) failed to properly negotiate a contract with robust penalty clauses that would protect the Trust's financial position in the event of failure to deliver on the part of the vendor or their subsidiaries.

## Reply

The Trust responds to the requests made as set out here. In respect of Questions 1, 2 and 3, the information requested falls under the exemptions under section 41 of the Freedom of Information Act 2000 (disclosure of the information would constitute a breach of confidence actionable by the owner of that information) and section 43 of the Freedom of Information Act 2000 (the information would be likely to prejudice the commercial interests of any person) and so the Trust is not obliged to reply to these questions and will not be doing so. As the Trust expects you will already appreciate, there is information already in the public domain from the publicity around the original contract award for the project.

As to Question 4, the contract contains the usual provisions one would expect to see in a contract such as this. In the circumstances of the project, no action against employees is or has been contemplated. The Trust takes the view that the provision of further information about employees is exempt from disclosure under the Act, given that the employees who are working on the project are or may be capable of identification.