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Amend the Freedom of Information Act 2000 to apply its provisions to private healthcare companies and other bodies seeking health service contracts; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendment of the Freedom of Information Act 2000**

- (1) The Freedom of Information Act 2000 is amended as follows.
- (2) In Schedule 1 (Public Authorities) in Part III (National Health Service), after 45A insert—

**“45B Private healthcare companies and bodies seeking health service contracts** 5

- (1) A “private healthcare company” or a “body seeking health service contracts” for the purposes of section 3(1)(c) is a person who provides, has provided or has submitted a bid to provide NHS services under a contract with an NHS body. 10
- (2) Section 1 applies to a private healthcare company or a body seeking health service contracts only in relation to information held by it relating to—
- (a) the contract or bid referred to in subsection (1),
  - (b) matters affecting its ability to provide services in accordance with that contract, and 15
  - (c) its performance of that contract.
- (3) In this section “NHS body” means—
- (a) a Special Health Authority,
  - (b) an NHS trust, 20
  - (c) an NHS foundation trust,
  - (d) a Local Health Board,
  - (e) the National Health Service Commissioning Board, and

(f) a clinical commissioning group.”

(3) In section 19 (publication schemes), after subsection (2F) insert—

“(2G) The publication scheme of a private healthcare company or a body seeking health service contracts must contain specified details of any relevant penalty imposed on—

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- (a) the company,
- (b) any subsidiary of the company,
- (c) any company of which it is a subsidiary,
- (d) any other company owned by a company of which it is a subsidiary,
- (e) any person with whom it is in partnership, and
- (f) any director or employee of any such company or any partner or employee of any such partnership,

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during the past 5 years relating to the provision of health care services whether or not they were provided, or the penalty was imposed, within the United Kingdom.

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(2H) Where the private healthcare company is jointly owned by two or more companies the information to be provided under subsection (2G) shall be provided in relation to each of those companies, its subsidiaries and companies of which it is a subsidiary.

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(2I) For the purposes of subsection (2G) a “relevant penalty” means a penalty imposed—

- (a) under the terms of any contract,
- (b) by a court,
- (c) by a regulatory body,

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arising from the provision or failure to provide adequate standards of health care.

(2J) For the purposes of subsection (2G) the “specified details” mean particulars of the events giving rise to the penalty including a description of those events, the location at which they occurred, the date of the events, the date of the penalty and the person on whom it was imposed.”

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## 2 Commencement, short title and extent

- (1) This Act shall come into force on 1 September 2015.
- (2) This Act may be cited as the Freedom of Information (Amendment) Act 2015.
- (3) This Act extends to England and Wales only.

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# Freedom of Information (Amendment) Bill

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To amend the Freedom of Information Act 2000 to apply its provisions to private healthcare companies and other bodies seeking health service contracts; and for connected purposes.

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*Ordered, by The House of Commons,  
to be Printed, 1 September 2014.*

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