

Freedom of Information Act 2000 - Request Reference FoI/20/348

Endoscopy

Request details

Could you please provide responses to the following questions in relation to Endoscopy within the Trust/Health Board:

- 1. The name and email address of:**

The Clinical Director that is responsible for Endoscopy

Dr Clare Tibbatts

The General Manager that is responsible for Endoscopy

After considering your request, the UHB believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

The Service Manager that is responsible for Endoscopy

After considering your request, the UHB believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

- 2. In the last 12 months, which external Insourcing providers have you used for your Endoscopy Service?**

Medinet

- 3. Do you have a contract with an external Insourcing provider of Endoscopy Services and, if so, which company is the contract with?**

No

- 4. Did you procure the Insourced Endoscopy Service via a tender process or Framework and, if so, which one?**

Not applicable

5. **If you have a contract with an Insourcing provider for Endoscopy Services, when does it currently expire and when will it be reviewed?**

Not applicable

6. **If you have a contract with an Insourcing provider for Endoscopy Services, how much are you being charged per fully staffed room, per day?**

Not applicable

7. **If you have a contract with an Insourcing provider for Endoscopy Services, what days of the week do they operate and how many rooms do they staff?**

Not applicable

8. **What has been the spend by the Trust/Health Board in the last 12 months on Insourced Endoscopy Services?**

After considering your request, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of the company in question. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure: There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure: There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with agencies. This in turn could lead to less effective use of public funds in future. It has been established above that releasing the information under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have

contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

Decision: The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

9. Does the Trust/Health Board currently require insourced Endoscopy Services?

Yes

10. Does the Trust/Health Board currently require specific insourced BCS Bowel Screening Services?

No

11. Does the Trust/Health Board currently require additional Endoscopy capacity via a suitable external premises or JAG accredited Mobile Endoscopy Unit?

Yes