

Freedom of Information Act 2000 - Request Reference FoI/23/124
Fluenz Nasal Spray

Information Requested:

This is an information request relating to vaccine claims made by GP Practices in Cardiff & Vale. Specifically claims for the cost of the vaccine. We do not require information related to enhanced service claims.

We have been made aware by our Health Board that some claims have been made incorrectly by practices in Cardiff & Vale for FLUENZ – nasal flu spray – dating back to 2014.

Please can you include information for each financial year for the period 2014 to 2023 on,

- **The number of practices that have claimed incorrectly**

22 in total across the period 2014 – 2022

- **A breakdown of the reimbursement for the cost of vaccine claimed by each practice (anonymised)**

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 both Cardiff University and the UHB. 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: It has been established that releasing the information sought under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with suppliers. This in turn could lead to less effective use of public funds in future. The UHB believes that there is wider established public interest in suppliers 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.

However, under Section 16, which provides us with the duty to advise and assist, the UHB can inform you of the below breakdown for each year.

Date	No of Practices	Value	Notes
2014	5	£12,122.63	
2015	4	£2,441.67	
2016	4	£3,170.69	
2017	3	£1,026.00	Does not include VAT & Discounts
2018	4	£5,256.00	Does not include VAT & Discounts
2019	4	£8,118.00	Does not include VAT & Discounts
2020	8	£9,072.00	Does not include VAT & Discounts
2021	5	£4,140.00	Does not include VAT & Discounts
2022	3	£1,890.00	Does not include VAT & Discounts