

Freedom of Information Act 2000 – Request Reference FoI/24/212
Operations and Tele Reporting Services

I hope this email finds you well. I am writing to you under the Freedom of Information Act to request information regarding your NHS Trust's operations and tele reporting services for the following hospitals:

University Hospital of Wales
University Hospital Llandough
Noah's Ark Children's Hospital for Wales
Barry Hospital
Cardiff Royal Infirmary

Could you please provide me with the following details:

1. **Operations Director for your Trust and email address**
2. **Operations Director/Manager for Imaging Service and email addresses**
3. **Operations Director/Manager for Pathology Services and email addresses**

After considering your request for the above Operations Directors of Cardiff and Vale University Health Board (the UHB), the UHB believes that section 21 of the Freedom of Information Act 2000 applies in this instance and is refusing your request.

Under section 21 of the Act, a public authority does not have to respond to a request if the information being sought is reasonably accessible to the applicant by other means. The UHB has applied this exemption to your request as the information you are seeking is available in the public domain. Under our section 16 obligation to advise and assist, I can confirm that the relevant information can be found at the following weblinks: [Our Board Members](#) and [Our Health Board Structure](#).

After considering your request for email addresses, 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. Its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing with regard to Articles 5, 6, and 9 of the 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.

Tele reporting services – Outsourced and insourced:

The UHB does not have any insourced tele reporting contracts for Imaging Services in relation to points 1–5 below. The UHB is, however, part of the All Wales contract for outsourcing tele reporting.

1. **Do you have any Tele Reporting contracts for your Imaging Services i.e. X-Ray, CT MRI Nuclear Medicine etc.**

Yes.

2. Date (MM/YYYY) When you entered into the contract for these Services

2 February 2024.

3. When the contract expires (MM/YYYY)

30 September 2024 with an option to extend for a further six months at the sole discretion of the UHB.

4. Value of contract, at contract start date (£GBP)

After considering your request, the UHB considers this information to be exempt from disclosure under section 43 of the Freedom of Information Act 2000 ('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 the supplier 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 is not in the public's interest to disclose this information.

5. Suppliers details for said contract/s.

St Joseph's Independent Hospital, Harding Avenue, Malpas, Newport, NP20 6ZE.

6. Do you have any Tele Reporting contracts for your Pathology Services i.e. Cellular, Histopathology, Mortuary etc.

7. Date (MM/YYYY) When you entered into the contract for these Services

8. When the contract expires (MM/YYYY)

9. Value of contract, at contract start date (£GBP)

10. Suppliers details for said contract/s.

Additionally, please include any bespoke (joint imaging and Pathology) reporting services you utilise.

The UHB does not have a pathology services tele reporting contract, and so does not hold information for the above points 6–10.