

Freedom of Information Act 2000 – Request Reference FoI/24/153
Spinal Operating Tables

I would like to request a list of the spinal operating tables currently in use within the Cardiff and Vale Health Board please, specifically Allen/Baxter/Hillrom/Mizuho OSI.

Cardiff and Vale University Health Board (the UHB) does not have a spinal operating table from any of the above-named suppliers. Therefore, the UHB does not hold the information requested. However, in accordance with our duty to advise and assist pursuant to section 16 of the Freedom of Information Act 2000, the UHB can provide the following information.

Please could you provide:

1. Name of hospital

University Hospital of Wales.

2. Department

Main Theatre.

3. Manufacturer and model of unit(s) in use

Eschmann.

4. Age of each unit (date installed or date purchased)

2016.

6. The cost of the device

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.

7. E-mail address of equipment lead for theatres

This is a vacant post, therefore the information is not held.