

Freedom of Information Act 2000 – Request Reference FoI/24/034

Ophthalmology

Information Requested:

1. When is the current contract for IOLs (Intraocular lenses) in Ophthalmology up for renewal? Please provide contract end date and extension options.
2. When is your Phaco machinery (for cataracts) contract up for renewal? Please provide contract end date and extension options.
3. When is your VR machinery (for vitreoretinal) contract up for renewal? Please provide contract end date and extension options.
4. What is your current Route to Market for IOLs, Phaco and VR?
5. When does your procurement department plan to actively start in pretender engagement for IOLs, Phaco and VR? Please include a date.
6. Who is your current IOL provider and what brand of IOL you currently use?
7. Who is your current Phaco machine provider?
8. Who is your current VR machine provider?
9. How many Phaco machines do you have and what are the age of these machines?
10. How many VR machines do you have and what are the age of these machines?
11. How many YAG lasers linked PCO (Posterior capsule Opacification) after cataracts have you undertaken between: 2021-2022 2022-2023 Calendar Year
12. Do you have any subcontracting arrangements for Cataract Surgery with the independent sector within this financial year, if so please provide details including volumes?

Response Details:

In completing a search for the information requested, Cardiff and Vale University Health Board (the UHB) has confirmed that this information is not centrally recorded or collated. To retrieve the information requested would require a manual search through individual records and the UHB considers that this would exceed the limit set within the Appropriate Limit and Fees Regulations 2004. The UHB has therefore relied upon the section 12 exemption of the Freedom of Information Act 2000 (FOIA 2000) ('Exemption where cost of compliance exceeds appropriate limit') and is refusing your request for the following reasons.

It should first be noted that multiple requests within a single item of correspondence are considered separate requests for the purposes of section 12(4) of the FOIA 2000, as confirmed in *Fitzsimmons v Information Commissioner* [2008] UKIT EA/2007/0124.

When a public authority is estimating whether the appropriate limit is likely to be exceeded for the purposes of regulation 5 of the Fees Regulations as prescribed by section 12(4) of the FOIA 2000, it can include the costs of complying with two or more requests if these are:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign; and
- received by the public authority within any period of 60 working days.

Since all of these requests were sent by the same individual and received after 17 January 2024, the UHB believes these conditions to be satisfied.

Regulation 5(2) of the Fees Regulations equally requires that aggregated requests relate 'to any extent' to the same or similar information. This test is likely to be met where requests possess an overarching theme or have a common thread running between them with respect to the nature of the information sought. And since each of the requests relates to ophthalmology equipment, the UHB considers the requirement of similar information sought to be met due to the common themes present.

The UHB has estimated that to complete the work needed to respond to the aggregated requests would exceed the time limit as set within the Fees Regulations to respond to a request made under the FOIA 2000. Under the Act there is an allowance of two and a half days, or 18 hours, to comply with a request and the cost limit set within the Fees Regulations for this amount of work is £450 for the UHB. The Fees Regulations specify that the cost of complying with a request must be calculated at the rate of £25 per hour.

In light of the above considerations, the UHB is refusing your requests for information in accordance with section 12(4) of the FOIA 2000.