

**Freedom of Information Act 2000 – Request Reference FoI/24/057**

**Ophthalmology**

**Information Requested:**

1. Does the Trust currently use an Operating Microscope for the purposes of Ophthalmic Surgery? [YES / NO]
2. How many pieces of microscopy equipment does the operating department use for Ophthalmic Surgery, and what is the manufacturer, model and age? [Please list these, including Manufacturer, Model, and Age of Equipment]
3. Are these microscopes free-standing or ceiling-mounted? [Floor-standing / Ceiling-Mounted]
4. Is this equipment owned, leased or rented by the department? [Owned / Leased / Rented]
5. If the equipment is Leased or Rented, how long is this contract, and when does it come to an end? Is there an option to extend the contract? Is this contract linked to the purchase of any related consumables, e.g. IOLs? [Length], [Date], [YES / NO], [RELATED CONSUMABLE?]
6. Does the Trust / department plan to replace these after a fixed time period, and if so, what is this time period in years? [YES / NO], [Years]
7. Does the Trust / Department currently have a service contract in place for this equipment with either the equipment manufacturer or another maintenance provider? [MANUFACTURER / 3<sup>rd</sup> PARTY / NO]
8. Is the Trust currently in the buying cycle for new ophthalmic microscopy equipment? [YES / NO]
9. If Yes, when is this procurement exercise expected to take place? [Expected Date]
10. If No, does the Trust plan to start the buying cycle within the next 3 years? [YES / NO]
11. What is the Trust's route to market for new pieces of ophthalmic microscopy equipment? [Direct Purchase Agreement / NHSSC / Other]

**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.