

Freedom of Information Act 2000 – Request Reference FoI/24/363
Ophthalmology

Please tell me about your Cataract and Vitrectomy surgery in years 2022 & 2023

1. How many pars planar vitrectomy surgical procedures were carried out in:

a. 2022

665

b. 2023

747

2. When will the current Phaco equipment and Vitreo Retinal equipment contracts expire?

2027

3. How many vitrectomy machines do you have?

Two.

a. which model(s)

CONSTELLATION Vision System.

4. How many Phaco emulsification machines do you have? – Three

a. which model(s)?

CENTURION.

5. What is the age of your

a. vitrectomy machine

New machines supplied with the contract, approximately 3.5 years.

b. phaco machine

As above in a.

6. How many phaco handpieces do you have?

41

7. When do you plan to buy or trial new phaco or vitrectomy equipment?

Currently no plans.

8. Who is the procurement category manager for ophthalmology?

After considering your request, Cardiff and Vale University Health Board (the UHB) believes that the data requested is classed as personal data as defined under the UK General Data Protection Regulation (UK GDPR) and the 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 UK GDPR. We are therefore withholding this detail under section 40(2) of the Freedom of Information Act 2000 (FOIA). This exemption is absolute and therefore there is no requirement to apply the public interest test.

9. What was the total annual spend on your Vitrectomy packs in

- a. **2022** = £7,976.32
- b. **2023** = £8,337.04

10. What was the annual volume of vitrectomy packs in

- a. **2022**
- b. **2023**

After considering your request, Cardiff and Vale University Health Board (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.

11. What level of maintenance cover is provided for your Vitreo Retinal equipment?

A platinum cover contract.

12. Who is the clinical lead for ophthalmology?

The UHB believes the exemption as outlined in section 40(2) of the FOIA applies here and is therefore withholding this detail.

13. What brand of microscopes do you have in your Eye Theatres?

ZEISS.

14. What IOLs do you use for cataract surgery?

Alcon.

15. When is the IOL contract due to expire?

2027

16. Who are the VR Consultants and VR Fellows in the ophthalmology department?



Mr Christopher Gorman, Mr Roger McPherson and Mr Christopher Williams.

