

**Freedom of Information Act 2000 – Request Reference FoI/24/367**  
**Procurement**

**Information Requested:**

Please could you provide product buying/usage numbers for the following products from April 2023 - March 2024

Bakri post partum balloon - Cook Medical Part Numbers: J-SOSR-100500, J-SOS-100500 NHS supply chain code FCB16768/FCB16840

Post partum Balloon Kit - Medgyn  
Part Numbers: O22703  
NHS supply chain code FCB86331

**Response Details:**

No orders raised in the stated date range for J-SOSR-100500, FCB16840, FCB16768, O22703, or FCB86331.

For J-SOS-100500 usage between 1 April 2023 to 31 March 2024, please see the below table.

Supplier	Description	UOM	Supplier Item	Order Date
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	11/04/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	12/04/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	23/05/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	26/06/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	24/07/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	13/08/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	18/09/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	19/09/2023
Cook (UK) Ltd	Bakri Balloon for PPH (each) (J-SOS-100500)	Each	J-SOS-100500	27/10/2023

After considering your request for usage numbers, 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.