

Freedom of Information Act 2000 – Request Reference FoI/24/183

Endoscopy

I would be most grateful if you would provide me, under the Freedom of Information Act, details with respect to the Trust below, details of which can be found below:

1. Approximately how many endoscopes does the trust own?

There are 60 endoscopes at University Hospital Llandough and 35 at University Hospital of Wales.

2. What brands of endoscope does the Trust own?

FUJI and Olympus.

3. On average how old are the endoscopes that the Trust owns?

In the main, between 5–10 years.

4. Approximately how many of the trust endoscopes are under OEM Warranty?

There are 18 scopes under OEM warranty. Most scopes are under service contract with the manufacturers.

5. Does the trust subcontract the maintenance of endoscopes and associated equipment such as stack systems and monitors to an outside provider(s) or does it maintain the devices using internal engineers?

No for both sites.

6. If an external provider(s) is used, what is the name of the company(s)?

Olympus and Fujinon.

7. If an external provider(s) is used, what was the value of the contract when awarded?

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.

8. If an external provider(s) is used, what is the contract type – PPM/ Fully-Comprehensive / Ad-hoc support?

Fully comprehensive.

9. If an external provider(s) is used, what is the contract renewal date(s)?

March 2025, December 2025, and December 2025.

10. Does your contract include the provision of loan endoscopes to temporarily replace endoscopes that are in for repair?

Yes.

11. Please provide the name, email address and phone number of the role responsible for managing endoscopy equipment within the trust.

After considering your request, the UHB believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and 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 GDPR. We are therefore withholding this detail under section 40(2) of

the Freedom of Information Act 2000 (FOIA 2000). This exemption is absolute and therefore there is no requirement to apply the public interest test.

12. Please provide the name, email address, and phone number of the individual responsible for managing endoscopy contracts within the trust?

The UHB believes the exemption outlined in section 40(2) of the FOIA 2000 to apply here and is therefore withholding this information.

13. If endoscopy is part of a Managed Equipment Service (MES) at the trust, please provide details of the service provider and specify the services provided including whether staffing is part of the MES.

It is not part of an MES, therefore the information is not held.