Freedom of Information Act 2000 – Request Reference FoI/24/205
Radiology Outsourcing

Information Requested:

Under the Freedom of Information Act 2000, I am writing to request information regarding Radiology and Tele-Radiology outsourcing conducted by your Trust. The information I seek is detailed below:

1. Total Radiology scans (X-ray, CT, MRI etc.) conducted by the Trust during 2022 and 2023,
    a. Total during 2022.
    b. Total during 2023

2. Total Radiology scans conducted by the Trust during 2022 and 2023, broken down by body part (Breast, Chest, MSK etc),
    a. Breakdown for 2022
    b. Breakdown for 2023

3. Total Radiology scans conducted by the Trust during 2022 and 2023, broken down by body part (Breast, Chest, MSK etc), further broken down by type (CT, MRI etc.). i.e. Breast CT, Chest MRI etc.
    a. Breakdown for 2022
    b. Breakdown for 2023

4. Total number of Radiology work outsourced to Private Radiology Companies during 2022 and 2023,
    a. Total during 2022
    b. Total during 2023

5. Total number of Radiology work outsourced to Private Radiology Companies during 2022 and 2023 by body part (Breast, Chest, MSK etc.),
    a. Total during 2022
    b. Total during 2023

6. Total number of Radiology work outsourced to Private Radiology Companies during 2022 and 2023 by their classification (routine, emergency, complex etc.),
    a. Total during 2022
    b. Total during 2023

7. Total spend in £ for outsourced Radiology work to Private Radiology Companies during 2022 and 2023,
    a. Total during 2022
    b. Total during 2023

8. List the Private Radiology Companies worked with during 2022 and 2023 and their individual spend,
    a. Total during 2022 by Company
    b. Total during 2023 by Company

9. Who is the person responsible for authorising the outsourcing of tele radiology within the Trust and what is their job title?

10. Does the Radiology within the Trust belong to part of a Radiology network in the region, and what is the name of that network?

11. Does the Trust share its Radiology services with any other Trusts?

12. Does your Trust adhere to a Framework for outsourced Tele-Radiology? If so, which ones?

Response Details:

In response to points 1–6

Please see the attached Excel document.

In response to point 7

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.

In response to point 8

The company used was Everlight Radiology Limited. However, the UHB is withholding spend information on the basis of section 43 of the 2000 Act.

In response to point 9

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. This exemption is absolute and therefore there is no requirement to apply the public interest test.

However, the UHB can advise that the job title will be either General Manager or Directorate Manager, depending on the structure of the relevant service.

In response to point 10

Yes - Cardiff and Vale is a tertiary centre so our radiology department is the central hub for this and works with a number of different UHBs for this purpose. We are also part of formal regional networks, e.g. Vascular, Major Trauma and Stroke.

In response to point 11

Please see the UHB's response to Q10.

In response to point 12

The NHS Wales Shared Services Partnership uses a local commercial framework agreement with non-NHS providers designed to assist health boards with additional clinical, surgical, and diagnostic capacity including outsourced tele radiography. The framework has been developed in conjunction with health board representatives and external legal advice, and it commenced on 1 April 2023 and has a four-year term.