Dear Mr Files

Re: GSK Submissions

Thank you for your email dated 21 November 2017 addressed to the Secretariat for The Joint Committee on Vaccination and Immunisation (JCVI). Your email has been handled as a request for information under the Freedom of Information (FOI) Act.

You asked:

Under the Freedom Of information Act 2000 I am writing to request a copy of the GSK submission referred to in the JCVI Draft Minutes dated October 2017, (Page 17) as part of the stakeholders submissions re the discussions to extend the current HPV vaccination scheme to include boys. I fully understand that this will contain commercially sensitive information and will be accepting of suitable redaction which you impose to comply with the Act.

In accordance with Section 1(1) (a) of the FOI Act, I can confirm that the Secretariat for JCVI holds the information you have specified. However, some of the information is exempt from disclosure in accordance with Section 43-Commercial interests, Section 41- information provided in confidence and Section 40 - personal information.

Section 43 – Commercial interests

The fact that GSK is advocating a gender-neutral program using Cervarix in girls and Gardasil in boys is confidential and commercially sensitive, and disclosure of GSK’s position would prejudice the commercial interests of GSK:
If details of GSK’s position on advocating a gender neutral programme were disclosed in response to the request, it would be accessible to GSK’s competitors, who would gain insight into GSK’s development plans and strategy with respect to the market positioning of Cervarix in the UK. In a normal competitive environment, GSK’s competitors would not have this insight. GSK does not have similar insight into its competitors’ strategy and development plans, and therefore disclosure of
GSK’s position puts GSK at a competitive disadvantage. This information is therefore exempt from disclosure under Section 43 of the Act.

GSK’s views on the cost effectiveness of a gender-neutral program using Cervarix in girls and Gardasil in boys is confidential and commercially sensitive, and disclosure of GSK’s position would prejudice the commercial interests of GSK:
GSK’s comments on the cost effectiveness of a gender neutral programme and the reduced cost in girls when using Cervarix instead of 4vHPV reveal GSK’s potential strategy with respect to the market positioning and pricing of its Cervarix product. In a normal competitive environment, GSK’s competitors would not have this insight. GSK does not have similar insight into its competitors’ pricing and market positioning strategy, and therefore disclosure of GSK’s position puts GSK at a competitive disadvantage. This information is therefore exempt from disclosure under Section 43 of Act.

Open scientific exchange:
GSK has shared its innovative ideas on a gender neutral program with the JCVI in the spirit of open and honest scientific dialogue, with the aim of generating discussion on how to deliver a comprehensive and cost effective protection to the public. Disclosure of this information would discourage GSK from sharing such information and innovative ideas with the JCVI freely in the future.

Public interest:
It is in the public interest for a normal competitive environment to be maintained, for example so that potential suppliers can compete fairly and competitively in a future public procurement process and the procuring authority can get the best possible deal for the public purse. It is also in the public interest that open scientific exchange is maintained, so that GSK and its competitors can share innovative ideas with the JCVI without fear of their commercially sensitive and confidential information being disclosed publicly.

Section 41 - Information provided in confidence
GSK submitted its letter and its comments to the JCVI for the purpose of participating in the JCVI’s consultation so that the JCVI could take into account GSK’s ideas and views when reviewing its interim statement on extending HPV vaccination to adolescent boys. Neither GSK’s letter, nor a summary of GSK’s position, was published in the JCVI’s October minutes. GSK made it clear its email of 14 November that the comments were submitted for the purpose of suggesting a solution for the UK through the consultation process, and not for the purpose of publication. The JCVI refrained from including a summary of GSK’s position in the October minutes on that basis. The redacted information is confidential and therefore exempt from disclosure under Section 41 of FOIA.

Section 40 - Personal Information
I have redacted personal identifiable information from the letter. This information is exempt from disclosure under Section 40 of FOIA.

If you have any queries regarding the information that has been supplied to you, please refer your query to me in writing in the first instance. If you remain dissatisfied
and would like to request an internal review, then please contact us at the address above or by emailing foi@phe.gov.uk.

Please note that you have the right to an independent review by the Information Commissioner’s Office if a complaint cannot be resolved through the PHE complaints procedure. The Information Commissioner’s Office can be contacted by writing to Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

FOI team