



## Department of Health & Social Care

Freedom of Information Team  
Department of Health and Social Care  
39 Victoria Street  
London  
SW1H 0EU

[www.gov.uk/dhsc](http://www.gov.uk/dhsc)

Mr Richard Croker  
[request-530346-25ac4444@whatdotheyknow.com](mailto:request-530346-25ac4444@whatdotheyknow.com)

5 December 2018

Dear Mr Croker,

### **Freedom of Information Request Reference FOI-1155628**

Thank you for your request dated 6 November in which you asked the Department of Health and Social Care (DHSC):

*"Subject: Freedom of Information request - Documents related to Drug Tariff inclusion  
Dear Department of Health and Social Care,  
On behalf of the DataLab, University of Oxford, I would be grateful if can you provide any documents you hold relating to the inclusion of the RESPeRATE device and Freestyle Libre in the Drug Tariff, including any assessment of cost-and clinical effectiveness performed before inclusion."*

Your request has been handled under the Freedom of Information Act (FOIA).

DHSC does not hold information relating to RESPeRATE.

To provide the information relating to Freestyle Libre would exceed the appropriate cost limit set out in the FOIA.

Section 12(1) states that a public authority can refuse a request if complying with it would exceed the appropriate limit of £600 (which represents 3.5 working days). This represents the estimated cost of one person spending this time to

- determine whether the information is held
- locate the information, or a document containing it
- retrieve the information, or a document containing it
- extract the information from a document containing it

In this case, the volume of material that would need to be reviewed exceeds the appropriate FOI limit. The reason for this is that information relating to product Freestyle Libre is contained within a large number of files. Therefore, we are unable to provide any of the information you have requested within the cost limit.

I'm sorry we could not be of more help in this instance. By way of background, I can confirm that the DHSC is not primarily responsible for any clinical or cost assessment of Freestyle Libre, RESPeRATE or the inclusion in the drug tariff, this responsibility falls to the NHS Business Services Authority.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the address at the top of this letter, or the email address at the end of this letter.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner (ICO) who may decide to investigate your concerns. Generally, the ICO cannot make a decision unless you have already appealed our original response, and received our internal review response. The ICO will not usually investigate concerns where there has been an undue delay in bringing it to their attention. You should raise your concerns with them within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

<https://ico.org.uk/concerns/>

Yours sincerely,

Edward Franklyn  
Freedom of Information Officer  
E [FreedomOfInformation@dh.gov.uk](mailto:FreedomOfInformation@dh.gov.uk)