

**When telephoning please ask for Mrs L Grabe**

**Direct Line: 0151-604-7120**

**Email: [wih-tr.accesstoinformationoffice@nhs.net](mailto:wih-tr.accesstoinformationoffice@nhs.net)**

Our Ref: LMS/LG/JT/Access.65008-01-20

Date: 7<sup>th</sup> September 2020

Dear Ms Innes

**RE: FREEDOM OF INFORMATION**

Please find below our response to your request for information in accordance with the Freedom of Information Act.

The Lead Pharmacist for Procurement and Medicine Supply at Wirral University Teaching Hospital has provided the information required for this response.

**I am writing to make an open government request for the following information to which I believe I am entitled under the Freedom of Information Act 2000.**

**Q1. What is your usage of sodium chloride 5% (10ml) units in the last 12 months?**

3

**Q2. How many units of ODM5 have you used in the last 12 months?**

0

**Q3. Who have been your suppliers of sodium chloride 5% (10ml) units during the past 12 months?**

AAH Wholesalers

**Q4. What price does your trust pay for Sodium Chloride 5% (10ml units)?**

Lead Pharmacist for Procurement and Medicine Supply at Wirral University Teaching Hospital (WUTH) has advised us that the prices of medicines is commercially sensitive as some of these are negotiated through regional or local contracts and so the price the Trust pays could be lower than the standard NHS list price. Divulging those prices could mean that the Trust no longer has access to them. WUTH has been informed by its regional medicines procurement specialists that requests for pricing information under the Freedom of Information Act can be

refused on the grounds of commercial confidentiality. This is covered under Section 43 of the Act which sets out an exemption from the right to know if:

- (1) the information requested is a trade secret, or
- (2) the 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.)
- (3) the duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2)

In this case the Trust deems that the requested information does constitute commercially sensitive data and therefore, Section 43(2) has been met

Additionally regional contract prices do not belong to the Trust and hence are not the Trusts property to divulge. If contract prices are divulged this could affect the commercial interests of any Trust which also uses the same contract.

If you wish to take this matter further you have a right to ask for a review of our decision. In the first instance this should be addressed to The Head of Information Governance & Records Management, Information Governance Department, Ground Floor, Arrowe Park Hospital, Arrowe Park Road, Upton, Wirral, CH49 5PE.

If you ask for a review and are dissatisfied with the outcome, under Section 70 of the Freedom of Information Act you then have a right of appeal to the Information Commissioner. The Information Commissioner's address is:

Information Commissioner's Office  
Water Lane  
Wilmslow-  
Cheshire-  
SK9 5AF

Further details about the Act and the role of the Information Commissioner can be found at <https://ico.org.uk/>

Yours sincerely



**Lin Snow**

**Head of Information Governance & Records Management**

**Data Protection Officer and Copyright Lead**

With responsibility for: **Data Quality, Clinical Coding & Information Security**

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