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RE: Freedom of Information Request

24th June 2024

Dear Sir/Madam

With reference to your request for information received on 3rd May 2024, I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested. A response to each part of your request is provided below. Please accept our apologies for the delay.

In your request you asked:

Product Information:

- Detailed specifications of the intraocular lenses (IOLs), phacoemulsification systems, and procedure packs currently used within your hospital.**

Model & Description	Manufacturer	Acceptance Date
IOLMaster 700 Biometer	Carl Zeiss Ltd	15/04/2023
IOLMaster 700 Biometer	Carl Zeiss Ltd	10/05/2022
IOL Master	Carl Zeiss Ltd	05/11/2012

Section 21 exempts information that is reasonably accessible to you by other means. The information you require is available here: https://www.zeiss.com/meditec/en/products/optical-biometers.html?utm_source=google-ads&utm_medium=ad&utm_campaign=product-category-opt&utm_term=optical-biometers&qad_source=1&qclid=EAlalQobChMij7WDy4O1hgMVB5IQBh3vSQnCEAYASAAEgKD6fD_BwE.

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2. Any relevant documentation or brochures outlining the features, benefits, and specifications of these products.

Section 21 exempts information that is reasonably accessible to you by other means. The information you require is available here: https://www.zeiss.com/meditec/en/products/optical-biometers.html?utm_source=google-ads&utm_medium=ad&utm_campaign=product-category-opt&utm_term=optical-biometers&gad_source=1&gclid=EAIaIaQobChMIj7WDy4O1hgMVB5IQBh3vSQnCEAAAYASAAEgKD6fD_BwE.

Volume:

3. The volume of IOLs, phacoemulsification systems, and procedure packs procured by your hospital within the past year.

IOL – 1254

Combined PHACO & Procedure Pack – 1456

4. Any trends or projections related to the usage of these products.

This information is not held.

Pricing:

5. The pricing structure for the products, including any discounts, rebates, or negotiated pricing arrangements.

It is our opinion that the information sought is exempt from disclosure pursuant to section 43(2) of the Freedom of Information Act 2000 (FOIA). S43(2) relates to information that is exempt from disclosure that could have a detrimental effect on the commercial interests of "...any person." The Trust considers that at this time the commercial interests of the Trust, third parties and overall the NHS could be detrimentally impacted upon. Please see the public interest test below.

Public Interest Test

We recognise that the disclosure of the information sought in relation to the pricing structure would provide transparency in the use of public funds by the Trust and the NHS in general. It would also assist the general populous with transparency in decision making by the Trust and their transactions with third parties.

Conversely to the factors demonstrated above in favour of disclosure, it is felt that the Trust, third party suppliers and overall the NHS could be disadvantaged should the information sought in relation to the pricing structure being made available. Suppliers compete with one another in a competitive environment and to provide the value of the costs involved may allow rival companies to undercut the Trust current suppliers, lead to loss of confidence by suppliers and customers and could cause significant harm and disadvantage to the Trust and suppliers.

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The disclosure could also adversely impact on any on-going or future procurement processes for the reasons outlined above. Any disclosure by the Trust could also in future discourage the provision of commercially sensitive information necessary to respond properly to the Trusts Invitation To Tender and would be likely to affect and undermine the Trusts bargaining position in any future procurement process or negotiations. Ultimately civil action could be taken against the Trust should information be disclosed that adversely affects the commercial interests of current and/or future suppliers.

As a result, it is in the Trust's opinion that this sufficiently demonstrates the prejudice which could be caused through disclosure.

Balance Test

It is important to bear in mind that any disclosure under the FOI Act is a disclosure to the public at large and not just to the applicant. It is recognised that there is a general public interest in the Trust being open and transparent. However, it is not believed that this public interest is served in disclosure for damage that would be caused as outlined above.

Therefore, – the Trust considers that releasing this information would not be in the public interest, as the public interest does not outweigh the prejudice as set out above. Further guidance can be accessed from the Information Commissioner's Office <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-43-commercial-interests/>.

6. Details of any contracts or agreements with suppliers, including contract durations and renewal terms.

Johnson and Johnson contract is via NHS Supply Chain COS2, start date 1st July 2023, end date 30th June 2027, standard NHS Terms and Conditions.

Contract Details:

7. Any additional information including terms and conditions, performance metrics, and service level agreements.

The more we utilise, the better the pricing as usage is scaled, also pricing may go up depending on usage.

I trust this information answers your request. Should you have any further enquiries or queries about this response please do not hesitate to contact me. However, if you are unhappy with the way in which your request has been handled, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Sally Brook Shanahan, Director of Corporate Affairs, King's Mill Hospital, Mansfield Road, Sutton in

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Ashfield, Nottinghamshire, NG17 4JL or email sally.brookshanahan@nhs.net.

If you are dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether we have complied with our obligations under the Act and can require us to remedy any problems. Generally, the Information Commissioner's Office cannot decide unless you have exhausted the internal review procedure. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/your-data-matters/official-information/>.

Complaints to the Information Commissioner's Office should be sent to FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 1231113, email casework@ico.org.uk.

If you would like this letter or information in an alternative format, for example large print or easy read, or if you need help with communicating with us, for example because you use British Sign Language, please let us know. You can call us on 01623 672232 or email sfh-tr.foi.requests@nhs.net.

Yours faithfully

Information Governance Team

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the licence conditions must be met. You must not re-use any previously unreleased information without having the consent from Sherwood Forest Hospitals NHS Foundation Trust. Should you wish to re-use previously unreleased information then you must make your request in writing. All requests for re-use will be responded to within 20 working days of receipt.

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