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[REDACTED]

RE: Freedom of Information Request

26th September 2024

Dear Sir/Madam

With reference to your request for information received on 5th February 2024, I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold some of the information you have requested. Please accept our apologies for the delay. A response to each part of your request is provided below.

In your request you asked:

1. Clinicians & Sites

- **Who is the clinical lead for Ophthalmology?**

Names, job titles and email addresses (other than that of our board of directors) constitute personal data. Section 40(2) provides that personal data is exempt information if one of the conditions set out in section 40(3) is satisfied. In our view, disclosure of this information would breach the data protection principles contained in the General Data Protection Regulations and Data Protection Act 2018. In reaching this decision, we have particularly considered:

- The reasonable expectations of the employees given their positions.
- Sherwood Forest Hospitals NHS Foundation Trust considered that none of the individuals would have a reasonable expectation that their personal data would be disclosed.
- The consequences of disclosure; and
- any legitimate public interest in disclosure.

Section 40(2) is an absolute exemption and therefore not subject to the public interest test.

- **How many cataract surgeons do you have?**

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- **Please provide details/names if possible?**

Names, job titles and email addresses (other than that of our board of directors) constitute personal data. Section 40(2) provides that personal data is exempt information if one of the conditions set out in section 40(3) is satisfied. In our view, disclosure of this information would breach the data protection principles contained in the UK General Data Protection Regulations and Data Protection Act 2018. In reaching this decision, we have particularly considered:

- The reasonable expectations of the employees given their positions.
- Sherwood Forest Hospitals NHS Foundation Trust considered that none of the individuals would have a reasonable expectation that their personal data would be disclosed.
- The consequences of disclosure; and
- any legitimate public interest in disclosure.

Section 40(2) is an absolute exemption and therefore not subject to the public interest test.

- **How many sites within the Trust currently perform cataracts surgery?**

2

- **If more than one, please specify.**

Kings Mill and Newark General Hospitals.

2. Intraocular Lenses

- **When is your current Intraocular lens contract for Ophthalmology up for renewal?**

July 2027.

- **Who is your current Intraocular lens provider/providers?**

Johnson and Johnson/Bauch and Lomb.

- **Which model of lens is used routinely?**

DCBOO.

- **How long will future Intraocular lens contracts run for?**

4 Years (1+1+1+1).

- **Can you provide the average lens price?**

It is our opinion that the information sought in relation to costs 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 costs involved would provide transparency in the use of public funds by the Trust and the NHS in general. It

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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 costs 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.

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/>

- **Do you use Toric lenses for NHS patients or for private? Pls Specify which.**
Yes.
- **Who is your current Toric Lens supplier?**
Johnson and Johnson.
- **Do you have a Toric pathway?**
Yes
- **Do you currently have a managed service in place for Ophthalmology?**
No.

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- **Which route to market do you currently use? I.e. Direct, EJEU tender, NHSSC/Category Tower, CPC, SBS, HTE or other (please specify)**
NHSSC/Category Tower.

3. Cataract Surgical Equipment

- **When is your Phaco machinery contract up for renewal?**
N/A.
- **How many Phaco machines do you currently have at your sites?**
3.
- **Are they still fit for purpose?**
Yes.
- **Who is your current provider of the Phaco machinery?**
Bausch and Lomb.
- **How long will the future Phaco contract run for?**
N/A.
- **Which route to market do you currently use? I.e. Direct, EJEU tender, NHSSC/Category Tower, CPC, SBS, HTE or other (please specify)**
NHSSC/Category Tower.

4. Cataract Packs

- **When is your cataract custom packs contract up for renewal?**
January 2028.
- **Who is your current custom packs provider?**
Bausch and Lomb.
- **How long will your custom packs contract run for?**
4 Years (1+1+1+1).
- **How many cataract procedures were done in the financial year 2022-2023?**
1528.
- **Which route to market do you currently use? I.e. Direct, EJEU tender, NHSSC/Category Tower, CPC, SBS, HTE or other (please specify)**
NHSSC/Category Tower.

5. OVD – Viscoelastic Solutions

- **Are you in a contract for OVD Sodium Hyaluronate for cataract surgery?**
Yes
- **If so when is that contract due?**
July 2027
- **Who is the supplier of OVD Sodium Hyaluronate?**
Johnson and Johnson

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- **Can you state the specific product line?**
Healon
- **Can you provide the price per product and specific inc or ex VAT**
Section 43 (2) – Commercially Sensitive
- **Is this procured through Pharmacy?**
No
- **Are you in a contract for and HPMC for cataract surgery?**
No
- **If so when is that contract due?**
N/A
- **Who is the supplier of OVD HPMC?**
B&L but not through contract.
- **Can you state the specific product line?**
Ocucoat
- **Can you provide the price per product and specific inc or ex VAT**
Section 43 (2) – Commercially Sensitive
- **Is this procured through Pharmacy?**
Yes

6. Procurement

- **Who is the procurement contact for Ophthalmology?**
Procurement Business Partner.
- **Can you provide an email address for the above contact?**
sfh-tr.procurement.helpdesk@nhs.net

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 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

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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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