

23/05/2023

NN-ICB/23/277

Dear Requestor

RE: Freedom of Information Request

With reference to your request for information I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we partially hold the information that you have requested. A response to your request is below.

In the request you asked:

1. Which of your local trusts is delivering hydroxychloroquine retinal screening. If private providers then please advise which providers.
Nottingham University Hospitals NHS Trust & Sherwood Forest Hospitals NHS Foundation Trust
2. What is their waiting list period for this?
Information not held by the ICB please contact the provider organisations:
 - Nottingham University Hospitals NHS Trust: [Freedom of Information | NUH](#)
 - Sherwood Forest Hospitals NHS Foundation Trust: [Sherwood Forest Hospitals \(sfh-tr.nhs.uk\)](#)
3. How many patients have had their screening completed?
Information not held by the ICB please contact the provider organisations:
 - Nottingham University Hospitals NHS Trust: [Freedom of Information | NUH](#)
 - Sherwood Forest Hospitals NHS Foundation Trust: [Sherwood Forest Hospitals \(sfh-tr.nhs.uk\)](#)
4. How many patients in total require screening?
Information not held by the ICB please contact the provider organisations:
 - Nottingham University Hospitals NHS Trust: [Freedom of Information | NUH](#)
 - Sherwood Forest Hospitals NHS Foundation Trust: [Sherwood Forest Hospitals \(sfh-tr.nhs.uk\)](#)
5. How many screening clinics are performed weekly at the trusts / private providers, offering this. Please state trust name and the number of clinics.
Information not held by the ICB please contact the provider organisations:
 - Nottingham University Hospitals NHS Trust: [Freedom of Information | NUH](#)
 - Sherwood Forest Hospitals NHS Foundation Trust: [Sherwood Forest Hospitals \(sfh-tr.nhs.uk\)](#)

6. If private providers are used what are the agreed tariffs for each aspect of the screening.
Not applicable, private providers are not used
7. How many incidents / SIs have been recorded over the last 3 years relating to hydroxychloroquine screening (breakdown per year please)
Information not held by the ICB please contact the provider organisations:
- Nottingham University Hospitals NHS Trust: [Freedom of Information | NUH](#)
 - Sherwood Forest Hospitals NHS Foundation Trust: [Sherwood Forest Hospitals \(sfh-tr.nhs.uk\)](#)

8. What is the current Glaucoma patient waiting list at each Trust and private provider you manage and contract.

Information not held by the ICB

9. How many incidents, near misses or SIs have been recorded relating to glaucoma at each Trust or provider over the last 3 years (breakdown per year please)

Information not held by the ICB

10. Are all glaucoma patients risk stratified at each provider / trust. If so what method and categories are they using.

Information not held by the ICB.

11. How many new glaucoma patients are waiting to be seen.

Information not held by the ICB

12. If private providers are used what are the agreed tariffs.

the ICB do hold this information however are unable to share this information as it is deemed commercially sensitive under Section 43 (2) of the Act.

Section 43 of the Act states that:

(1) Information is exempt information if it constitutes a trade secret.

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

(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).

*Section 43 is a qualified exemption and is subject to a **public interest test**. Even where you are satisfied that the information requested is a trade secret or that its release would prejudice someone's commercial interests, you can only refuse to provide the information if you believe that the public interest in withholding the information outweighs the public interest in disclosing it.*

*A **public interest test** was undertaken on the 19th May 2023 in response to your request made under the Freedom of Information Act 2000.*

The Information Commissioner's Office (ICO) sets out public interest factors in favour of and against disclosure. Some of the factors in favour were as follows:

- *Ensuring that the public authority can be held accountable for its decisions, particularly as to how it spends public money.*
- *Ensuring that a tender process is open and transparent.*
- *Providing insight into the nature of a procurement process and winning bids, so that other companies are encouraged to take part in the process and improve future bids.*

Public interest factors against disclosure (and in favour of the maintenance of an exemption) included:

- *There is an inherent public interest in the maintenance of the exemption, and of upholding private companies' expectations that commercially confidential information will be protected from disclosure when they engage in public authority tenders.*
- *Avoiding the discouragement of prospective tenderers from tendering for public sector contracts, for fear of disclosure of their commercially sensitive information to competitors, and that this may adversely affect both the quality of tenders for public sector contracts, and public authorities' ability to negotiate them effectively.*
- *Maintaining a competitive market and driving competition as this benefits public authorities and consumers, and which could be threatened by disclosure of companies' commercial information.*

On balance of the factors considered above, along with relevant case law, we considered that the ICB would be entitled to withhold the agreed tariffs and that this would be not be superseded by public interest considerations.

13. How many stable AMD patients are seen at each Trust for monitoring.

Information not held by the ICB

14. What is the waiting list at each provider for AMD patients that are stable.

Information not held by the ICB

15. How many incidents / SIs have been recorded over the last 3 years relating to AMD care at each Trust (breakdown per year please)

Information not held by the ICB

16. If private providers are used what are the agreed tariffs.

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- Maintaining a competitive market and driving competition as this benefits public authorities and consumers, and which could be threatened by disclosure of companies' commercial information.

On balance of the factors considered above, along with relevant case law, we considered that the ICB would be entitled to withhold the agreed tariffs and that this would be not be superseded by public interest considerations.

16. For all private providers used for ophthalmology can you declare which consultants / Doctors have a financial interest with them that also work for the NHS trusts.

Information not held by the ICB

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) have an internal review procedure through which you can raise any concerns you might have. Further details of this procedure can be obtained by contacting Lucy Branson, Associate Director of Governance via lucy.branson@nhs.net or by writing to FOI Team at NHS Nottingham and Nottinghamshire ICB, Sir John Robinson House, Sir John Robinson Way, Arnold, Daybrook, Nottingham, NG5 6DA.

If you remain dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office (ICO), who will consider whether the organisation has complied with its obligations under the Act and can require the organisation to remedy any problems. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by NHS Nottingham and Nottinghamshire ICB. 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/for-the-public/>

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 123 1113 or report a concern via <https://ico.org.uk/concerns/>

Yours sincerely

Freedom of Information (FOI) Officer on behalf of *NHS Nottingham and Nottinghamshire Integrated Care Board*

notts.foi@nhs.net

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 license conditions must be met. You must not re-use any previously unreleased information without having the consent of NHS Nottingham and Nottinghamshire Integrated Care Board. Should you wish to re-use previously unreleased information then you must make your request in writing (email will suffice) to the FOI Lead via notts.foi@nhs.net. All requests for re-use will be responded to within 20 working days of receipt.