

Date: Thursday, 30th January 2020  
Our Ref: MB/SS FOI 4196

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**Re: Freedom of Information Request FOI 4196**

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 16th January 2020.

Your request was as follows:

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

1 x 10ml unit only

- How many units of ODM5 have you used in the last 12 months?

None

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

Stockport Production Unit

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

The Walton Centre NHS Foundation Trust (WCFT) has deemed the above information to be exempt under Section 43 of the Freedom of Information Act 2000. Section 43 states that 'information is exempt information if it constitutes a trade secret' and '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).

WCFT has taken into account that when applying Section 43, the Public Interest Test also has to be applied regarding withholding/disclosing the information. The use of this exemption has been carefully considered.

The factors in favour of disclosing the information, including the general public interest and greater transparency and accountability has been carefully weighed against the need to allow suppliers and organisations the space to conduct their lawful business competitively and without fear of disclosure of sensitive commercial information. We consider that this transparency also poses risks to the protection of commercially confidential information. If WCFT was to disclose this information regarding the winning bid, this could be used so a company can position themselves to charge a higher price, therefore leading back to constituting of trade secrets.

Please see our response above in [blue](#).

**Re-Use of Public Sector Information**

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005,

Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at [www.opsi.gov.uk](http://www.opsi.gov.uk) where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at [www.opsi.gov.uk/advice/psi-regulations/index.htm](http://www.opsi.gov.uk/advice/psi-regulations/index.htm)

If you are dissatisfied with the handling of your request, 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 the Freedom of Information Office at the address above.

**Please remember to quote the reference number, FOI 4196 in any future communications.**

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

*Mike Burns*

**Mr. Mike Burns, Executive Lead for Freedom of Information**