

Date: Wednesday, 15th April 2020
Our Ref: MB/SS FOI 4305

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Re: Freedom of Information Request FOI 4305

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 31st March 2020.

Your request was as follows:

Please provide me with copies of all correspondence signed by any member of your executive board (or sent from their e-mail account) to either the DHSC, PHE or NHS England where there is a mention of either (i) ventilators and (ii) PPE equipment in relation to how your Trust will cope with the influx of Coronavirus patients and/or how a lack of (i) ventilators and (ii) PPE equipment is endangering the lives of your patients or staff.

Section 38 - Health and safety

The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities. This guidance considers section 38, which is about the exemption from the duty to provide information if its disclosure under FOIA would, or would be likely to endanger health and safety. OF (1) Information is exempt information if its disclosure under this Act would, or would be likely to- (a) endanger the physical or mental health of any individual, or (b) endanger the safety of any individual.

Public Interest Test

To use this exception we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

Factors in favour of disclosure:

- Promoting accountability and transparency by public authorities for decisions taken by them.

Factors in favour of withholding:

- It will divert key staff from COVID-19 response and therefore potential risk to patients.

Therefore it has been considered benefits of withholding this information outweigh the benefit in disclosing the information.

This response therefore acts as a refusal notice under section 17 of the FOIA.

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 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

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 4305 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