

Date: Thursday, 24th March 2022
Our Ref: MB/SH FOI 5079

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Re: Freedom of Information Request FOI 5079

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 02nd March 2022.

Your request was as follows:

1. How many prescriptions for sleeping pills did you give out in 2021, 2020, 2019,2018 and 2017?

Could you please break this down by the name of the drug?

[Please see attached.](#)

2. How much did this cost in total each year?

Section 43 (2) - Disclosure would, or would be likely to, prejudice the commercial interests of any person

This information is exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000 (FOIA). We cannot provide information requested as your query on the grounds that the withheld information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

Prejudice Test

In order to apply section 43(2), the public authority must satisfy itself that disclosure of the information would, or would be likely to, prejudice or harm the commercial interests of any person.

If The Walton Centre NHS Foundation Trust (WCFT) did disclose this information you request this would or would be likely to, prejudice or harm the commercial interests of The WCFT in relation to any future contracts and its ability to successfully compete for other contracts.

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:

- It would ensure the tender process was open and transparent

Factors in favour of withholding:

- If the information was available in the public domain it could compromise and inhibit the WCFT's competitive



tendering process for any future contracts.

• It is The WCFT's belief that to release the contract price the trust pays for a drug, would prejudice The WCFT as this could lead to contracts being undercut if used by competitors.

Conclusion

The WCFT believes it is not in the public interest for the contract price to be disclosed as this would prejudice the interests of The WCFT to its detriment. Its competitors will be able to view its costs and undercut future contracts. In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. If possible, could you please break down the age of patients that received the prescriptions, either exact ages or in age groups (eg xx number of prescriptions given to 16-24 year olds)

I can confirm in accordance with Section 1 of the Freedom of Information Act 2000 (FOIA) that we do not hold the information you have requested as pharmacy are currently not able to break the data down by the age of patients, therefore we cannot provide this information.

Under the FOIA, we are not required to create this information in order to answer your request. I should explain that the FOIA is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOIA does not require public authorities to generate information, or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

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 5079 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