

Date: Thursday, 28th September 2023  
Our Ref: MB/CM FOI 5910

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**Re: Freedom of Information Request FOI 5910**

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 31st August 2023.

Your request was as follows:

We kindly request the following information relating to the supply of Apomorphine products for the treatment of patients with Parkinson's disease in the care of the Walton Centre NHS Foundation Trust, and the provision of associated services to the Trust in connection with the administration of Apomorphine products to patients in the home:

1.  Copies of any contracts and agreements (including amendment/variation agreements) between the Walton Centre NHS Foundation Trust and Britannia Pharmaceuticals Ltd in relation to the supply of Apomorphine products.

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

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).

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 did disclose this information this would affect, the Trust by damaging our reputation by disclosing confidential information given in confidence by a trusted supplier.

**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 enable the public to better scrutinise the public monies spent.
- It shows the public authority as being open and transparent.

**Factors in favour of withholding:**



- The contracts/agreements contain commercially sensitive information that could potentially be exploited by commercial competitors.
- Any confidential and commercially sensitive information which could be prejudicial to either parties' commercial interests will not be shared with any other parties or made available within the public domain.

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

2.  Copies of correspondence between the Walton Centre NHS Foundation Trust and Britannia Pharmaceuticals Ltd in relation to:

- the "treatment of disease, disorder or injury", "nursing care" or any other "regulated activities" (as set out in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014) by nurses employed by Britannia Pharmaceuticals Ltd in connection with the administration of Apomorphine products to patients in the care of the Walton Centre NHS Foundation Trust in the home; or
- registration with the Care Quality Commission (CQC); or
- compliance with the Health and Social Care Act 2008 and associated subsidiary legislation.

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

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).

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 did disclose this information this would affect, the Trust by damaging our reputation by disclosing confidential information given in confidence by a trusted supplier.

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- Any confidential and commercially sensitive information which could be prejudicial to either parties' commercial interests will not be shared with any other parties or made available within the public domain.

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

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

Section 40 (2) - Third Party Data.

This information is exempt from disclosure under Section 40(2) of the Freedom of Information Act 2000 (FOIA), due to the contents containing personal sensitive data of patients. In answering your query may lead to the undue stress of patients and families as this information may still lead to patients being identified. Therefore, this information has not been released for reasons of confidentiality.

This exemption is not subject to the public interest test. This response therefore acts as a refusal notice under section 17 of the FOIA.

3.  Copies of any honorary contracts between the Walton Centre NHS Foundation Trust and any nurses providing homecare services to patients in the care of the Walton Centre NHS Foundation Trust on behalf of Britannia Pharmaceuticals Ltd.

We acknowledge that the requested documents may contain commercially sensitive information and/or personal data, which is consequently protected by confidentiality and/or data protection laws. However, we hope the Trust can still accommodate our request by redacting the relevant parts of the aforementioned documents where appropriate.

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

Section 40 (2) - Third Party Data.

This information is exempt from disclosure under Section 40(2) of the Freedom of Information Act 2000 (FOIA), due to the minimal number of staff identified as data requested is relating to 1-5 staff members. In answering your query may lead to the undue stress of staff as this information may still lead to staff being identified. The Walton Centre NHS Foundation Trust is bound by a duty of care to protect staff members from harm. Therefore, this information has not been released for reasons of confidentiality.

This exemption is not subject to the public interest test. 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](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 5910 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 by:

Post: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Online: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/>

Telephone: 0303 123 1113

Yours sincerely

*Mike Burns*

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