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Request for Information Reference: 11.20.22

Email: [cdda-tr.cddftfoi@nhs.net](mailto:cdda-tr.cddftfoi@nhs.net)  
 Email only

10 December 2020

**Freedom of Information Act 2000 – Request for Information**

Thank you for submitting a request for information which we received on 12 November 2020 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to ophthalmic equipment and I am providing the following information in response to your specific questions:

**Do you use surgical ophthalmic disposable instruments? Yes/ no?**

Yes.

**If yes, please specify which brand model and quantities were used in 2019?**

|                       | Brand                                 | Model/Code | What was the quantity purchased in 2019 | What was the total annual value? |
|-----------------------|---------------------------------------|------------|-----------------------------------------|----------------------------------|
| Capsulorhexis forceps | Malosa Medical disposable instruments | MMSU1568S  | Please see below                        | Please see below                 |
| Bonn forceps          | N/A                                   | N/A        | N/A                                     | N/A                              |
| Tying forceps         | Malosa Medical disposable instruments | MMSU1125S  | Please see below                        | Please see below                 |
| Sinsky Hooks          | Malosa Medical disposable instruments | MMSU1103S  | Please see below                        | Please see below                 |
| Chopper               | Malosa Medical disposable instruments | MMSU1221S  | Please see below                        | Please see below                 |

With regards to the costs requested under the terms of the Act, a request for information can be refused where one or more exemptions listed in the Act apply. In this case the Trust is claiming an exemption under Section 21 of the Act, namely the information is otherwise accessible from our website link as follows:

<https://my.supplychain.nhs.uk/catalogue>

In relation to the quantity of ophthalmic disposable instruments purchased, the Trust is unable to provide the information requested on the grounds that this information is commercially sensitive. Section 43 (2) of the Act exempts information from disclosure where the disclosure of information would be likely prejudice the commercial interests of any person including those of the public authority holding the information. The information requested in conjunction with the unit prices available through the NHS supply chain website, could allow another supplier to determine the current total costs paid to the Trust's current supplier. This would allow them to alter their pricing structure which would be likely to impact on the imminent tender and potentially impact on other tendering opportunities of the Trust's current supplier. In addition if suppliers were to amend their pricing structure when competing for the tender it could impact on the ability of the Trust to achieve value for money.

The Trust has undertaken a public interest test in relation to the disclosure of information to respond to this question. This test weighs the potential harm of not disclosing the information on the requirement to be transparent against the potential for harm if the information is disclosed. As a result of the test the Trust feels that disclosing the requested information would be likely to harm the commercial interests of the supplier and the Trust and as such is exempting the information under section 43 (2) of the Act.

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via [cdda-tr.cddftfoi@nhs](mailto:cdda-tr.cddftfoi@nhs).

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; [www.ico.gov.uk](http://www.ico.gov.uk).

Yours sincerely

**Joanna Tyrrell**  
**Freedom of Information Officer**