

Reference:	FOI.10560.22
Subject:	Pharmaceutical and Pathology services within Hywel Dda University Health Board (the UHB)
Date of Request:	20 December 2022

Requested:

1. Does your Pathology Department currently use a solution to monitor the fridge temperature
2. If yes who is the supplier?
3. When does the contract expire?
4. How much are you currently paying for the solution?
5. Does the department monitor anything else eg. Humidity, Pressure.
6. Does your Pharmacy Department currently use a solution to remotely monitor the fridge temperature?
7. If yes who is the supplier?
8. When does the contract expire?
9. How much are you currently paying for the solution?
10. Does the department monitor anything else eg. Humidity, Pressure.

Response:

1. Yes, the UHB does use a solution to monitor its fridge temperatures.
2. CheckIT is the supplier of the Pathology Department's fridge temperature monitor.
3. The UHB's contract with CheckIT expires in April 2024.
4. As the costs requested for question 4 relates to a third party, the UHB considers that Section 43 of the FoIA applies, as answering would be Prejudicial to their Commercial Interests. Section 43(2) exempts information, disclosure of which would or would be likely to prejudice the commercial interests of any person; in this case, the provider listed above. Commercial interests may be prejudiced where disclosure would, or would be likely to:
 - Weaken a company's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors
 - Damage a company's business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b).

The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

In favour of disclosure: There is a public interest in transparency and in the accountability of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

Against Disclosure: Disclosure of this information would have a direct impact and cause substantial harm to the suppliers, as it would disclose their pricing and products/services provided to the UHB, and it would be likely that this would damage their ability to work within a highly competitive sector. The information being requested is likely to be used by their competitors to gain a competitive advantage.

Decision: - The UHB has considered that releasing the information under the FoIA, to which the UHB is subject, will give an unfair advantage to the suppliers' competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body, and that there is a public interest in ensuring that there is competition for public sector contracts.

5. No, the Pathology Department does not monitor anything else.
6. Yes, the UHB's Pharmacy Department does utilise a solution to monitor its fridge temperatures.
7. Comark Instruments is the UHB's current supplier.
8. The UHB does not hold a contract with Comark Instruments.
9. The UHB does not currently pay a fixed amount for the solution; invoices are raised when any services or calibrations are due.
10. The UHB monitors the clean room pressures of its Pharmaceutical Aseptic Units at Withybush General Hospital and Bronglais General Hospital.