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Mansfield Road
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Nottinghamshire
NG17 4JL

13th August 2024

Tel: 01623 622515
Join today: www.sfh-tr.nhs.uk

Dear Sir/Madam

Freedom of Information Act (FOI) 2000 - Request for Information Reference: Trust's use and procurement of Spirometry Medical Devices, associated software and maintenance.

I am writing in response to your request for information under the FOI 2000.

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested. A response to each part of your request is provided below. Please accept our apologies for the delay.

Home, Community, Hospital.

Patient Experience Team
01623 672222
sfh-tr.pet@nhs.net



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Chair Claire Ward
Chief Executive Paul Robinson

FOI Request / Question	Question Response	Is there an exemption?	Exemption	Exemption Details												
1. Does the Trust use Spirometry Medical Devices?	Yes															
2. For the most recent year for which data is available; how many Spirometry medical devices did the Trust procure?	6															
3. For the most recent year for which data is available; how many Spirometry patient tests did the Trust perform?	<table><tr><th>Test</th><th>2023</th></tr><tr><td>Ambulatory Spirometry</td><td>1</td></tr><tr><td>Return Amb Spirometer</td><td>0</td></tr><tr><td>Spirometry</td><td>703</td></tr><tr><td>Spirometry and Reversibility</td><td>16</td></tr><tr><td>Grand Total</td><td>720</td></tr></table>	Test	2023	Ambulatory Spirometry	1	Return Amb Spirometer	0	Spirometry	703	Spirometry and Reversibility	16	Grand Total	720			
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Grand Total	720															
4. What is the Trust's preferred procurement channel for purchasing Spirometry medical devices?	Whichever is best value (Supplier direct or NHS Supply Chain)															
5. What is the Trust's preferred payment model for Spirometry medical devices?	Purchase															

<p>6. What are the individual unit costs of each Spirometry device by cost category (hardware / software / maintenance)?</p>		<p>Yes</p>	<p>Section 43</p>	<p>Section 43 - Commercial interests</p> <p>It is our opinion that the information sought in relation to costs is exempt from disclosure pursuant to section 43(2) of the Freedom of Information Act 2000 (FOIA). S43(2) relates to information that is exempt from disclosure that could have a detrimental effect on the commercial interests of “...any person.” The Trust considers that at this time the commercial interests of the Trust, third parties and overall the NHS could be detrimentally impacted upon. Please see the public interest test below.</p> <p>Public Interest Test</p> <p>We recognise that the disclosure of the information sought in relation to the costs involved would provide transparency in the use of public funds by the Trust and the NHS in general. It would also assist the general populous with transparency in decision making by the Trust and their transactions with third parties.</p> <p>Conversely to the factors demonstrated above in favour of disclosure, it is felt that the Trust, third party suppliers and overall the NHS could be disadvantaged should the information sought in relation to costs being made available. Suppliers compete with one another in a competitive environment and to provide the value of the costs involved may allow rival companies to undercut the Trust current suppliers, lead to loss of confidence by suppliers and customers and</p>
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				<p>could cause significant harm and disadvantage to the Trust and suppliers.</p> <p>The disclosure could also adversely impact on any on-going or future procurement processes for the reasons outlined above. Any disclosure by the Trust could also in future discourage the provision of commercially sensitive information necessary to respond properly to the Trusts Invitation To Tender, and would be likely to affect and undermine the Trusts bargaining position in any future procurement process or negotiations. Ultimately civil action could be taken against the Trust should information be disclosed that adversely affects the commercial interests of current and/or future suppliers.</p> <p>As a result, it is in the Trust's opinion that this sufficiently demonstrates the prejudice which could be caused through disclosure.</p> <p>Balance Test</p> <p>It is important to bear in mind that any disclosure under the FOI Act is a disclosure to the public at large and not just to the applicant. It is recognised that there is a general public interest in the Trust being open and transparent. However, it is not believed that this public interest is served in disclosure for damage that would be caused as outlined above.</p> <p>Therefore, – the Trust considers that releasing this information would not be in the public interest, as the public interest does not outweigh the prejudice as set out above. Further guidance</p>
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				can be accessed from the Information Commissioner's Office https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-43-commercial-interests/
7. Does the Trust undertake its own calibration of Spirometry medical devices or is this outsourced?	Both, depending on whether on contract. Capital items associated with spirometry are on contract and calibrated through that.			
8. Would the Trust benefit from a Spirometry Medical Device that only requires calibration annually?	Our Spirometry currently requires annual calibration, so no new benefit			
9. What are the biggest challenges that the Trust faces in providing Spirometry tests?	We do not have challenges within the trust, waiting times are within 6 weeks.			
10. Is the Trust planning to expand spirometry services?	No formal plan currently.			
11. Can you provide the contact details of the lead respiratory nurse, and the lead/business manager for respiratory services in your hospital?		Yes	ABSOLUTE EXEMPTIONS REFUSAL NOTICE - Section 40 small data set - Section 40(2) staff personal information	<p>Names, job titles (other than that of our board of directors) and email addresses constitute personal data.</p> <p>Section 40(2) provides that personal data is exempt information if one of the conditions set out in section 40(3) is satisfied. In our view, disclosure of this information would breach the data protection principles contained in the General Data Protection Regulations and Data Protection Act 2018</p> <ul style="list-style-type: none"> • The reasonable expectations of the employees given their positions; Sherwood Forest Hospitals NHS Foundation Trust considered that none of the individuals would have a reasonable

				<p>expectation that their personal data would be disclosed;</p> <ul style="list-style-type: none">• The consequences of disclosure; and• any legitimate public interest in disclosure. <p>Section 40(2) is an absolute exemption and therefore not subject to the public interest test</p>
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I trust this information answers your request. Should you have any further enquiries or queries about this response please do not hesitate to contact me. However, if you are unhappy with the way in which your request has been handled, 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: Sally Brook Shanahan, Director of Corporate Affairs, King's Mill Hospital, Mansfield Road, Sutton in Ashfield, Nottinghamshire, NG17 4JL or email sally.brookshanahan@nhs.net.

If you are dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether we have complied with our obligations under the Act and can require us to remedy any problems. Generally, the Information Commissioner's Office cannot decide unless you have exhausted the internal review procedure. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/your-data-matters/official-information/>.

Complaints to the Information Commissioner's Office should be sent to FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 1231113, email casework@ico.org.uk.

If you would like this letter or information in an alternative format, for example large print or easy read, or if you need help with communicating with us, for example because you use British Sign Language, please let us know. You can call us on 01623 672232 or email sfh-tr.foi.requests@nhs.net.

Yours faithfully

Information Governance Team

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the licence conditions must be met. You must not re-use any previously unreleased information without having the consent from Sherwood Forest Hospitals NHS Foundation Trust. Should you wish to re-use previously unreleased information then you must make your request in writing. All requests for re-use will be responded to within 20 working days of receipt.