

Freedom of Information Act request – Dec 2014

Prostate Cancer UK were recently made aware of a Written Question to the Health Minister (attached) regarding Individual patient Funding Requests for prostate cancer patients. The queries raised were as follows:

Under the Freedom of Information Act duty to assist and advise, Public Health Wales can confirm and provide the following information to you:

Request #1 The number of Individual Patient Funding Request appeals made for each health board during the period 1 April 2013 to 31 March 2014, setting out how many were successful and how many were unsuccessful.

Health boards, Velindre NHS Trust and Welsh Health Specialised Services Committee report data quarterly to Public Health Wales however the dataset being reported does not include the number of Individual Patient Funding Request appeals so we would neither be able to provide this information and for this reason it is not detailed in the annual report.

The only data requirement regarding appeals that health boards report to Public Health Wales is 'Number of IPFRs (for medicines) which were heard by the IPFR review/ appeal panel and review / appeal upheld (i.e. medicine approved following review)'. The total for Wales is detailed in table 1 page 6 of the Annual Report 'Additional IPFRs for medicines approved for funding following review'.

[https://www2.nphs.wales.nhs.uk/PharmaceuticalPHTDocs.nsf/\(\\$all\)/8D47778573505D3980257CDD0031A1C6/\\$file/Annual%20report%20IPFR%20and%20Top-up%20payments2014%20FINAL.pdf?OpenElement](https://www2.nphs.wales.nhs.uk/PharmaceuticalPHTDocs.nsf/($all)/8D47778573505D3980257CDD0031A1C6/$file/Annual%20report%20IPFR%20and%20Top-up%20payments2014%20FINAL.pdf?OpenElement)

The number of additional IPFRs for medicines approved for funding following review reported by health board are reported in small numbers (<5). Public Health Wales therefore does not hold information regarding the number of Individual Patient Funding Request appeals made for each health board during the period 1 April 2013 to 31 March 2014, setting out how many were successful and how many were unsuccessful in a format that would guarantee patient confidentiality. We are of the opinion that the exemption available under Section 40(2) of the FOI can be applied in this instance. Section 40 (2) applies to third party personal data and is exempt from disclosure under the FOIA if disclosure would breach any of the data protection principles contained within the Data Protection Act 1998. Such information would not be released under the FOIA unless there was strong public interest.

Request #2 The number of IPFR applications made for prostate cancer patients by each health board during the period 1 April 2013 to 31 March 2014, setting out how many were successful and how many were unsuccessful.

For April 2013 – March 2014 health boards, Velindre NHS Trust and Welsh Health Specialised Services Committee reported information regarding the names of the medicines requested via the IPFR process and whether the request was approved or not approved. Where possible a broad indication for use is also reported. Please note information provided to and held by Public Health Wales is not reported or collated by condition.

The majority of medicine names and broad indication are reported in small numbers by each health board (<5), Public Health Wales therefore does not hold information regarding the names and indication of individual medicines in a format that would guarantee patient confidentiality. We are of the opinion that the exemption available under Section 40(2) of the FOI can be applied in this instance. Section 40 (2) applies to third party personal data and is

exempt from disclosure under the FOIA if disclosure would breach any of the data protection principles contained within the Data Protection Act 1998. Such information would not be released under the FOIA unless there was strong public interest.

Request #3 The number of IPFR applications made for prostate cancer patients by each health board during the period 1 April 2013 to 31 March 2014 for each of the following treatments: a) stereotactic radiotherapy; b) enzalutamide; and c) abiraterone.

See response to request 2 above. Not only is the data reported by Health boards, Velindre NHS Trust and Welsh Health Specialised Services Committee reported in small numbers by each health board (<5), thereby making it exempt from FOI under Section 40(2) of the FOI but data is not reported on treatment options for individual patients.

Public Health Wales therefore is of the opinion it does not hold the information requested or where data is available it is not a format that would guarantee patient confidentiality. We are of the opinion that the exemption available under Section 40(2) of the FOI can be applied in this instance. Section 40 (2) applies to third party personal data and is exempt from disclosure under the FOIA if disclosure would breach any of the data protection principles contained within the Data Protection Act 1998. Such information would not be released under the FOIA unless there was strong public interest.

Request #4 The Minister set out the number of IPFR appeals made by prostate cancer patients in each health board during the period 1 April 2013 to 31 March 2014, setting out how many were successful and how many were unsuccessful.

See response to request 1

Health boards, Velindre NHS Trust and Welsh Health Specialised Services Committee report data quarterly to Public Health Wales however the dataset being reported does not include the number of Individual Patient Funding Request appeals so we would neither be able to provide this information and for this reason it is not detailed in the annual report.

The only data requirement regarding appeals that health boards report to Public Health Wales is 'Number of IPFRs (for medicines) which were heard by the IPFR review/ appeal panel and review / appeal upheld (i.e. medicine approved following review)'. The total for Wales is detailed in table 1 page 6 of the Annual Report 'Additional IPFRs for medicines approved for funding following review'.

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The number of additional Individual Patient Funding Requests for medicines approved for funding following review reported by health board are reported in small numbers (<5). Public Health Wales therefore does not hold information regarding the number of Individual Patient Funding Request appeals made for each health board during the period 1 April 2013 to 31 March 2014, setting out how many were successful and how many were unsuccessful in a format that would guarantee patient confidentiality. We are of the opinion that the exemption available under Section 40(2) of the FOI can be applied in this instance. Section 40 (2) applies to third party personal data and is exempt from disclosure under the FOIA if disclosure would breach any of the data protection principles contained within the Data Protection Act 1998. Such information would not be released under the FOIA unless there was strong public interest.

General Comment

It has been recognised that the information being reported and collated regarding Individual Patient Funding Requests across Wales could be more intelligent. For this reason the Minister, Mark Drakeford, has committed to improvements which will be taken forward by All Wales Therapeutics & Toxicology Centre (AWTTC) in the new financial year.

<http://wales.gov.uk/about/cabinet/cabinetstatements/2014/ipfr/?skip=1&lang=en>

More than happy to discuss the contents of this response with Ed Bridges if necessary

Sian Evans

1 Dec 2014