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Iechyd Cyhoeddus  
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Public Health  
Wales

## Freedom of Information request to Public Health Wales

<b>FOI Reference:</b>	<b>FOI 364</b>
<b>Date request received</b>	<b>12 June 2020</b>
<b>Date information is due to be sent</b>	<b>4 Aug 2020</b>

### Information Requested:

I write to request copies of the following under the Freedom of Information Act 2000:

- Any correspondence or record of meetings/agreements/memos of understanding from & including 24<sup>TH</sup> February to 30<sup>TH</sup> March 2020 between Public Health Wales and Public Health England – specifically relating to the possible provision of Coronavirus testing kits/raw materials supplied by the company Roche.
- Any correspondence or record of meetings/agreements/memos of understanding from & including 24<sup>TH</sup> February to 30<sup>TH</sup> March 2020 between Public Health Wales and ministers or officials of the Welsh Government – specifically relating to the possible provision of Coronavirus testing kits/raw materials supplied by the company Roche.

Please remove anything considered commercially sensitive.

### Information provided for the answer:

Thank you for your Freedom of Information request to Public Health Wales received on 12 June 2020, asking for:

- Any correspondence or record of meetings/agreements/memos of understanding from & including 24<sup>TH</sup> February to 30<sup>TH</sup> March 2020 between Public Health Wales and Public Health England – specifically relating to the possible provision of Coronavirus testing kits/raw materials supplied by the company Roche.

- Any correspondence or record of meetings/agreements/memos of understanding from & including 24<sup>TH</sup> February to 30<sup>TH</sup> March 2020 between Public Health Wales and ministers or officials of the Welsh Government – specifically relating to the possible provision of Coronavirus testing kits/raw materials supplied by the company Roche.

Public Health Wales does hold some correspondence that falls into the scope of this request. The correspondence is being withheld under the following exemption:

- *Section 36(2)(c) Would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs*

*Under Section 36 Public Health Wales is required to provide the opinion of our Qualified Person. The Qualified Person within the organisation is the Chief Executive, Dr Tracey Cooper.*

*As the qualified person for Public health Wales I have considered all of the facts in this case and my opinion is as follows.*

*To release this information at this time into the public domain would be likely to negatively impact on the relationships between Welsh Government, UK Government and Public Health England and the conduct of public affairs.*

*I have reached this conclusion because I believe that releasing the information will distort public confidence whilst in the middle of the Coronavirus pandemic.*

*For that reason I have formed the opinion that Public Health Wales should refuse to disclose this information at this time and engage the exemption under*

*Section 36 of the Freedom of Information Act 2000*

*Dr Tracey Cooper, Chief Executive, Public Health Wales.*

As Section 36 is a qualified exemption, I am required by the Freedom of Information Act 2000 to subject the information to the Public Interest Test, which I have done.

### **Arguments in favour of release of the information**

We understand that there is a strong public interest in the public understanding the decisions and actions around testing to control and manage COVID-19 and that release would promote transparency and public awareness.

The issue could have a significant impact on the public and so there is likely to be considerable public interest in furthering the debate.

### **Arguments against the release of the information**

The information being withheld contains email exchanges between Public Health Wales, Public Health England, Welsh Government and UK Government. We consider it important to have a safe space for all parties to be able to discuss freely and form plans which in a fast paced environment changes frequently.

Public Health Wales and Public Health England lead on discussions on public health matters regularly consulting with ministers and Welsh Government officials. It is important that these discussions and proposals are worked through before being made public. Disclosure of these discussions will not provide the clarity that the public require.

The information also contains commercially sensitive information which could have a detrimental effect on Roche Diagnostic Ltd, if made open to the public.

### **Conclusion**

My conclusion therefore is that it is not in the public interest to release the information requested. The wider public interest favours good working relationships between Public Health Wales, Public Health England, Welsh Government and the UK Government and that disclosing information at this time would negatively impact on the decision making and actions around testing to control and manage the virus. I also do not wish to distort public confidence whilst in the middle of the Coronavirus pandemic, particularly following a prolonged period of lockdown and shielding of the public.

John Lawson, Chief Risk Officer, Public Health Wales

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, you should write to the Corporate Complaints Manager, Public Health Wales NHS Trust, 3, Number 2, Capital Quarter, Tyndall Street, Cardiff, CF10 4BZ.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Trust. The Information Commissioner can be contacted at:

Information Commissioner for Wales

2nd Floor  
Churchill House  
Churchill Way  
Cardiff  
CF10 2HH

Telephone: 029 2067 8400

Email: [wales@ico.org.uk](mailto:wales@ico.org.uk)