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Public Health
Wales

Freedom of Information request to Public Health Wales

FOI Reference:	FOI 335
Date request received	11 May 2020
Date information is due to be sent	3 July 2020

Information Requested:

I am writing to you under the Freedom of Information ACT 2000 to request the following information:

- All communication between Public Health Wales and Roche about supply of Coronavirus testing

Please provide the information electronically.

I would be grateful if you would acknowledge receipt of this request. If you have any queries please don't hesitate to contact me via email or phone and I will be happy to clarify.

Information provided for the answer:

Thank you for your Freedom of Information request to Public Health Wales received on 11 May 2020, asking for:

All communication between Public Health Wales and Roche about supply of Coronavirus testing.

Public Health Wales does hold some correspondence with Roche 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, Roche Diagnostics Ltd, 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

Public Health Wales has been involved in discussions with Roche and by releasing information related to this request could cause harm to our existing relationships including those of other organisations such as the UK Government and Public Health England.

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 with the Welsh Government, Roche Diagnostics Ltd, the UK Government and Public Health England 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