



Llywodraeth Cymru  
Welsh Government

ATISN 15418

28 September 2021

Dear

### **Complaint in respect of ATISN 15418**

I am responding to your email which was received on 31 August 2021, complaining about our response to your request for information under the Freedom of Information ("FOI") Act 2000. This letter is to inform you of the outcome.

You had asked for the following information:

- 1) How many of these devices are in circulation in Wales? Additionally, you requested a breakdown per Health Board area, also by device model name (ie Dreamstation, Remstar SE, Remstar Pro etc) and also by how many are actually being used by patients.*
- 2) Details surrounding the arrangement with the manufacturer, such as when that contract is due to end, as well as any cost-benefit analysis done at the time.*
- 3) Any documentation and correspondence between the Welsh Government/NHS Shared Services and the Health Boards regarding these devices since the arrangement with Philips began, prior to the recall. This could include the standard guidance on how frequently they should be checked and cleaned, or internal process documents about how pieces of this equipment are to be distributed between Health Boards.*
- 4) Any communication between the Welsh Government/NHS Shared Services and the Health Boards since the recall, such as minutes of any meetings or other discussion and notification of Health Boards.*
- 5) Since the recall, all correspondence between Welsh Government and Philips in relation to this matter including the notification in April that they would not be selling more of these devices to Welsh Government?*
- 6) Minutes of meetings and correspondence associated with The UK Department for Health's emergency response group meeting which the Welsh Government has been attending.*
- 7) All correspondence relating to Philips claim that they have offered procurement to fund CPAPs from alternative suppliers and even to incur the cost of a patient helpline but this was not accepted. Additionally, you requested the rationale behind the decision to decline this alleged offer.*

8) A breakdown of Health Inspectorate Wales inspections of healthcare entities by how recently they were done, how many have never been inspected etc, and grades of how they've been classified.

On 31 August, we wrote to you explaining that the requested information were being withheld under Section 12 of the FOI Act – “Exceeding the appropriate limit”.

I have reviewed our response to your FOI request in accordance with the procedure stated in my previous letter to you (dated 07 September). In this instance, I believe that our response was correct, and that the exemption applied was appropriate.

In the circumstances, I do not uphold your complaint. I am, however, conscious that your request was refused on the grounds of it exceeding the appropriate limit before Welsh Government provided you with an opportunity to refine your request so as to bring it below the limit. I apologise for this and confirm that if you can provide a more specific time frame or description of the information you are particularly interested then we would be happy to revise our calculations.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745  
Fax: 01625 524 510  
Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)  
Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yours sincerely



**DR FRANK ATHERTON**