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28 June 2018

## FREEDOM OF INFORMATION – DECISION NOTICE

Dear Requester

**FOI Reference Number: 18230**

I refer to your email of 14 June requesting information in respect of flash glucose monitoring.

I can confirm on behalf of NHS West Norfolk CCG and in accordance with S.1 (1) of the Freedom of Information Act 2000 (FOIA) that we do hold the information that you have requested. A response to each element of your request is detailed below:

### **Your request**

*I understand from your department there was a meeting at the end of May 2018 regarding your position on prescribing the Freestyle Libre. Could you provide me with the minutes of this meeting and what the outcome was in summary please.*

*I would appreciate a response to this email, thank you.*

### **You provided the following clarification**

*Yes the flash glucose monitoring system. I am a member of the public. I am referring to North West Norfolk.*

### **Our response**

I can confirm that the specific information sought regarding Freestyle Libre/flash glucose monitoring was discussed at a meeting in May however this was at the beginning of the month; therefore it is unclear if this is the specific information you are referring too.

To assist you further please see the following links to information, relevant to your request, which is published within the Knowledge Anglia website:

[http://www.knowledgeanglia.nhs.uk/LinkClick.aspx?fileticket=VV\\_aKXs6cqc%3D&tabid=334&portalid=1&mid=1891](http://www.knowledgeanglia.nhs.uk/LinkClick.aspx?fileticket=VV_aKXs6cqc%3D&tabid=334&portalid=1&mid=1891)

[http://www.knowledgeanglia.nhs.uk/LinkClick.aspx?fileticket=VV\\_aKXs6cqc%3D&tabid=334&portalid=1&mid=1891](http://www.knowledgeanglia.nhs.uk/LinkClick.aspx?fileticket=VV_aKXs6cqc%3D&tabid=334&portalid=1&mid=1891)

Notwithstanding the uncertainty described above I can advise that the CCG considers the specific information sought, i.e. "...position on prescribing..." and "...outcome was in summary..." is exempt from disclosure at this time pursuant to the exemption set at section 22(1)(a)(b) of the Freedom of

Information Act 2000 (FOIA). This is because the information is currently being reviewed and will then be ratified and is intended for future publication; likely to be within the next couple of months if not sooner.

The information sought will be published as a Commissioning Statement on the Knowledge Anglia website <http://www.knowledgeanglia.nhs.uk/> in the section titled 'Commissioning Statements'.

### **Section 22 provides that:**

*1. Information is exempt if –*

*a) The information is held by a public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not).*

*b) It is reasonable in all circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).*

*Section 22(1) (a) (b) is a qualified exemption subject to the public interest test. We have considered the public interest in releasing the information against the interest in withholding it.*

### **Public Interest Test**

It is recognised that there is a public interest in transparency being demonstrated by releasing the information within this response. However the CCG believes that transparency would also be achieved by the pre-planned publication of this information within the next couple of months.

There is also a recognised public interest in the CCG providing information held that falls within the scope of a FOIA request as quickly as possible, however this needs to be balanced, taking into consideration the following points:

- The information is currently being ratified and is considered not finalised for publication. The information is intended for publication once the ratification process is finalised.
- The release of this information could result in members of the public drawing false conclusions from unratified, incomplete and/or inaccurate information being disclosed at this time. To publish this information now could effectively give a false picture should the position change.
- To disclose this information now would most likely result in inaccurate information still being in circulation once a final position is published which would be confusing and misleading to the public and potentially lead to complaints received to the CCG.
- The CCG has also considered the more important public interest in ensuring the maximum cost effectiveness to public funds. Providing this information in response to a FOIA request is not the most cost effective way of placing this information in the public domain given that there is an intention for it to be published soon. The current ratification process and the publication of the information is a current piece of work the CCG is engaged in therefore to assess and process the information now in response to a FOIA request would be a duplication of effort and work resulting in an unnecessary expense to public funds.

### **Balance Test**

The CCG has determined that on balance it is reasonable at this time to withhold the information from disclosure until the future publication of the information, as detailed above, and that the public interest in favour of maintaining the exemption outweighs the public interest in disclosure due to the persuasive arguments detailed above.

I hope that this answers your queries with the information we currently hold, but if I can be of any further assistance please do not hesitate to contact me.

If you are dissatisfied with the handling of your request, 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

Arden & GEM CSU  
FOI Team, Room 18  
Scarsdale  
Newbold Road  
Chesterfield  
S41 7PF

Email [agcus.foi.norfolkwaveneycgs@nhs.net](mailto:agcus.foi.norfolkwaveneycgs@nhs.net)

If you are not content with the outcome of your complaint, 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 the CCG.

The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone 0303 123 1113, email [casework@ico.org.uk](mailto:casework@ico.org.uk)

*The FOIA gives a right of access to information but no right to re-use it. Datasets provided may be subject to Intellectual Property Rights and the re-use of datasets requires permission. Please contact us if you intend to re-use information provided by us.*

*For the conditions of re-use please refer to the Open Government License for public sector information: <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>*

Yours faithfully

Philip Humphreys

**FOI Manager  
Arden & GEM CSU**

**On behalf of  
NHS West Norfolk CCG**