



**The Clatterbridge
Cancer Centre**
NHS Foundation Trust

Clatterbridge Road
Bebington
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23 June 2020

Re: Freedom of Information Request

Ref: 119- 2020

Thank you for your email dated the 26th May 2020, requesting information regarding the PPE stocks between 5 March and 5 May 2020, including stock levels, usage of those stocks and estimates as to how long those stocks were expected to last at The Clatterbridge Cancer Centre NHS Foundation Trust.

The information that you have specifically requested relates to the following:

- **The stock levels of surgical gowns, pairs of surgical gloves, plastic aprons, fluid repellent surgical masks (e.g. IIR masks), FFP3 respirators, FFP3 respirators, eye protection (glasses) and eye protection (visors)**
- **Usage of those stocks during this period (e.g. daily or weekly depletion of surgical gowns)**
- **Any estimates at the time of how long those stocks were expected to**

We have carefully considered your request and have concluded that we will not be able to provide you with the information you have requested and we will rely on the exemption under Section 38 (1)(a) – Health and Safety of the Freedom of Information Act 2000 (“the Act”).

Section 38(1)(a) of the Act provides that information is exempt from disclosure if the information would, or would be likely to endanger the physical or mental health of any individual. One of the provisions of Section 38 relates to the disclosure of information where such disclosure might have an adverse effect on public health and we further rely upon that provision.

The Trust, as a public body is mindful that in order to engage this exemption we must demonstrate that there is a causal link between the endangerment and disclosure of the information. The term “would ...endanger” has been defined as

it is more likely than not to occur whereas “would likely....endanger” is a lower threshold. The Trust has applied the endangerment test under Section 38 and we are content that the requirements of the test have been met.

Having reached the conclusion that the endangerment test has been met, we have also considered whether the public interest in maintaining the exemption outweighs the public interest in disclosure. Having carefully considered the public interest test we have concluded that there is a strong public interest in safeguarding the physical, mental health and wellbeing of the public in addition to preserving the Trust’s ability to deliver services to the public.

Taking the above into consideration, having applied the necessary, relevant tests and taking all the current circumstances into consideration we are content that the requirements of all necessary and relevant tests have been met and the application of the exemption under Section 38 (1) (a) is appropriate on this occasion.

If you are dissatisfied with the handling of your request, you have the right to ask for this to be investigated internally. If you are dissatisfied with the information you have received, you have the right to ask for an internal review.

Both processes will be handled in accordance with our Trust’s Freedom of Information Policy and the Freedom of Information Act 2000.

Internal investigation and 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: Freedom of Information Review, The Clatterbridge Cancer Centre NHS Foundation Trust, Clatterbridge Road, Bebington, Wirral, CH63 4JY

If you are not satisfied with the outcome of the internal investigation/review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Should you require any further information please do not hesitate to contact me on the email address provided below. Please remember to quote the reference number above in any future communications.