

## Freedom of Information Request: Our Reference CTHB\_335\_17

### You asked:

We request information in relation to the following medicines which are marketed for the treatment of chronic obstructive pulmonary disease:

- a) Anoro (vilanterol and umeclidinium) which is marketed by GlaxoSmithKline
- b) Braltus (tiotropium) which is marketed by Teva
- c) Duaklir (aclidinium bromide and formoterol fumarate dihydrate) which is marketed by Astra Zeneca
- d) Eklira (aclidinium) which is marketed by Astra Zeneca
- e) Incruse (umeclidinium) which is marketed by GlaxoSmithKline
- f) Seebri (glycopyrronium) which is marketed by Novartis
- g) Spiolto (tiotropium and olodaterol) which is marketed by Boehringer Ingelheim
- h) Spiriva (tiotropium) which is marketed by Boehringer Ingelheim
- i) Trimbow (formoterol fumarate dihydrate, beclometasone dipropionate and glycopyrronium (as bromide) which is marketed by Chiesi
- j) Ultibro (indacaterol and glycopyrronium) which is marketed by Novartis or Pfizer

(the "**COPD Medicines**").

In respect of each of the COPD Medicines, please could you provide us with the following information:

- 1) A copy of any agreement relating to a rebate, discount, patient access, risk-sharing or other pricing scheme entered into by Cwm Taf University Health Board in relation to the COPD Medicines which results in Cwm Taf University Health Board paying less than the NHS list price for such COPD Medicines (whether by way of discount, rebate etc).
- 2) A copy of any communications between Cwm Taf University Health Board and the company or companies marketing such COPD Medicine in relation to such scheme
- 3) Any information or requests sent to GP practices comprised within the UHB in the 6 months since contract signature with respect to such COPD Medicines schemes

## **Our response:**

The Health Board has a rebate agreement for Spiolto. There are no rebate agreements for any of the other products listed. This agreement is commercially confident and therefore the Health board cannot forward any copies of the agreement. After consideration, we feel that this information is exempt under Section 43 – Commercial Interests of the Freedom of Information Act. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the Health Board when deciding whether to release this information because it was felt that in doing so, it could be a significant risk in prejudicing the commercial interests of the company in question. As this is a qualified exemption the Health Board must carry out the public interest in deciding whether it is in the public's interest whether to withhold or disclose the information.

The Health Board accepts that there is a public interest in ensuring openness and transparency and there is an interest in the public being aware of how much money is spent and the benefits derived from that expenditure. However, the Health Board believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Boards ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money, especially as this service has recently gone out to tender. It has therefore been decided that it is not in the interest of the public to disclose this information.

I can confirm that no information or requests have been sent to GP practices with respect to this agreement.