

## **Freedom of Information Request: Our Reference CTMUHB\_399\_20**

### **You asked:**

On 22nd October 2019, A Locum doctor raised genuine concerns in wider public interests, patient interests (Health and safety), Staff wellbeing, etc to a sister in charge (name withheld) and later sent an email to her as well on 23rd October 2019.

1. Would you please tell what happened after that?
2. What measures / actions did Sister (name withheld) took ?
3. What measures/actions did the Health Board took ?
4. Was there any investigation done at all with the concern raising doctor present along with a HR representative ?
5. Was there any investigation done at all without the concern raising doctor (i.e in his/her absence please ?)
6. When was this investigation done please?
7. Who did the investigation please?
8. How was this investigation done please?
9. What was the outcome of the investigation please?

### **Our response:**

Under the Freedom of Information Act (FOIA) you have a right to request any recorded information held by a public authority.

However, under this Act some information may not be given to you because it is exempt, for example because it constitutes as personal data about somebody else.

The information that you have requested would constitute personal data relating to someone other than yourself. The Health Board is not obliged to confirm or deny that it holds information, if giving the confirmation or denial to a member of the public would contravene:

- any of the data protection principles; or
- section 10 of the DPA.

and as such Section 40(5)(b)(i) would apply.

The Health Board considers that the information you have requested constitutes the personal data of the individuals involved and would be a breach of the first data protection principle. To confirm or deny would be unfair to the individuals as the reasonable expectation, if a concern had been raised, would be that this would not be disclosed unless or until it reached the stage at which it would normally be expected to be disclosed.

Please note that using this legislation is not always the most appropriate way of obtaining information from the Health Board as personal data is exempt under this Act. However, if in this case the request involves information in relation to yourself or a complaint you may wish to make a 'Subject access' request. You can contact the Concerns Team on 01443 744915 or Email: [CTHB\\_Concerns@wales.nhs.uk](mailto:CTHB_Concerns@wales.nhs.uk).