

Freedom of Information Request: Our Reference CTMUHB_401_20

You asked:

On 25th October 2019 an email was sent by a Locum Dr to (name withheld) the clinical lead in Ophthalmology explaining how he/she was subjected to detrimental treatment by (name withheld) Deputy Support Manager, (name withheld) Glaucoma technician and by (name withheld) typist wherein the Locum Dr had mentioned specifically how he/she felt (" Heavy heart ") and that he/she was spied upon and felt humiliated by their actions including /implying direct discrimination or words to that effect.

1. Would you please tell what happened after that please?
2. What measures / actions did (name withheld) took please?
3. What measures/actions did the Health Board took please?
4. Was there any investigation done at all with the concern raising doctor present along with a HR representative please?
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 complaint had been made, 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.

Whilst acknowledging the fact that there may be a public interest in knowing if any complaints had been made, we would like to assure you that the Health Board takes any complaint it receives very seriously and investigates the complaints it receives and appropriate action is taken where required. It may be helpful to know that the Health Board publishes an [Annual Concerns Report](#), the content of which is scrutinised by members of the Board and provides information on themes, trends and corrective action taken.

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.