

Freedom of Information Request: Our Reference CTMUHB_253_22

You asked:

I think there is some misunderstanding about the data I am requesting – I think the term “job plan” was not necessarily the correct one to use when I submitted my initial request. I understand that job plans may include some personal information about particular circumstances/objectives for that individual which they may not wish to be shared and which it would be unfair to share.

The information I am requesting is more general and related to timetables rather than specifically personal information.

Specifically what I am requesting is:

- the number of Programmed Activities for each consultant (not including Bridgend). NB the consultants would not need to be named.
- what the split is between DCC and SPA
- for the SPA allocation, what specific roles are included in this (eg governance lead, macular lead, glaucoma lead, educational/clinical supervisor)

If possible, I would like to see the hours breakdown as laid out on allocate

Our response:

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under Section 17 of the Act. The Health Board can confirm that it does hold the information, however is withholding for the following reason:

We are unable to provide you with the level of detail you are seeking in relation to staff timetables. Due to the size of the department and the small number of staff involved with distinct specific roles (eg Governance Lead, Macular Lead, Glaucoma Lead, and Educational/Clinical Supervisor), we have considered that there is a potential risk for the individuals to be identified from the information provided if this was disclosed, when considered with other information that may also be in the public domain. Whilst we have considered grouping the information together, and redaction, due to the small numbers, the information would be uninformative therefore we have taken the decision to withhold.

As this data is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018, in our view, its disclosure would be contrary to the data protection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

As you will be aware, all requests made under the Freedom of Information Act have to be processed applicant blind. In the interests of transparency and fairness, if you are a Health Board member of staff, we would recommend that this is addressed via internal routes and there are a number of ways in which this can be done. Contact points are as follows:

Contact:

Carol Rees - Deputy Directorate Manager
T&O, General Surgery and Ophthalmology
01656 752960

Email - Carol.rees5@Wales.nhs.uk

Mark Freeman, Consultant Ophthalmologist - Clinical Director
01565 752752

Email - Mark.freeman@wales.nhs.uk

Tony Charles - HR Business partner
01443 443443 ext 75366

Email - Tony.charles@wales.nhs.uk

Personal Information is held by Data Controllers on the basis of the exercise of functions identified in the formal notification to the Information Commissioner. Any processing of that personal information outside of those functions may be unlawful. Furthermore the General Data Protection regulation and Data Protection Act 2018 makes provision for a data subject to exercise a right to prevent processing in particular circumstances. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions where personal data are processed for direct marketing purposes.

We can confirm that the individuals captured by this request have stated that they do not wish their personal data to be used for direct marketing purposes.