



Our Ref: ATISN 10802

Date: 23 January 2017

Dear ,

Complaint in respect of ATISN 10802 - Freedom of Information request regarding psychiatric patient Paul Khan

In your email of 28 September, you requested the following:

- Information about the case of psychiatric patient Paul Khan who was convicted of the killing of Mr Brian Dodd, to include any documents between the then NHS Chief Executive Ann Lloyd and her advisers (as clarified) from the period of the incident on 25 March 2003, to 14 October 2005, the date of the publication of Healthcare Inspectorate Wales and Health Commission Wales' joint review. You also requested any subsequent responses from the then Chief Executive of NHS Wales.

On 22 November, we wrote to you confirming that the Welsh Government holds information that falls within the scope of your request this would be exempt under sections 38 (1)a – health and safety and section 40 (2) – personal data.

You subsequently requested an internal review.

As per my letter of 6th January, I have conducted a review of your case and this letter sets out my conclusion. I am satisfied that the exemption 38 (1)a has been applied correctly in this case, due to the likely impact that the release would have on the mental health of the two living individuals directly involved. With regard to section 40 (2), it is my conclusion that this exemption has also been correctly applied, as release of this information would be unfair and so breach the first data protection principle.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745
Fax: 01625 524 510
Email: to casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)
Email: ask@ombudsman-wales.org.uk

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tracey Breheny', with a stylized flourish at the end.

Tracey Breheny
Deputy Director Substance Misuse Policy, Government & Corporate Business
Dirprwy Gyfarwyddwr, Polisi Camddefnyddio Sylweddau, Busnes y Llywodraeth a
Chorfforaethol