

14 November 2018

Dear _____,

Request for Information – ATISN 12737

I refer to your information request received on 20 October. You asked for the following information:

- 1) How long has the named caseworker worked for Cafcass Cymru?
- 2) How many families relationships have been severed by her actions?
- 3) How many fathers have been granted full custody of their children?
- 4) How many mothers have been granted full custody of their children?
- 5) How many families have had shared care?
- 6) How many children do not see one parent following her intervention?
- 7) Has the named case worker any qualifications in Therapy or Counselling?
- 8) Has the named case worker any training in Parental Alienation?

You submitted this as a Subject Access Request: however, a Subject Access Request is when an individual submits a request for their own personal data. Requests for another individual's personal data have to be treated as a FoI request.

Section 40(2) of the Freedom of Information Act (FOIA) sets out an exemption from the right to know if the information requested is personal information of someone other than the requester and is protected by the Data Protection Act 2018 (DPA).

Personal data is defined in Section 3(2) of the DPA as:

“Personal data” means any information relating to an identified or identifiable living individual

We have concluded parts 1, 7 and 8 of the information requested amounts to third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the General

Data Protection Regulations (GDPR). We consider the principle being most relevant in this instance as being the first.

The first GPDR principle.

This states: *that personal data shall be: a) processed lawfully, fairly and in a transparent manner in relation to individuals;*

We consider the requested information falls within the description of personal data as defined by the GPDR and that its disclosure would breach the first data protection principle.

Guidance from the Information Commissioner's Office (Personal information (section 40 and regulation 13) v 1.4) states:

If disclosure would not be fair, then the information is exempt from disclosure.

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

"The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached" (paragraph 63).

Whilst we may hold details regarding the career and training of the named Cafcass Cymru officer there would be no reasonable expectation this information would be put into the public domain. Thus, we believe release of this information would be both unfair so as to breach the first data protection principle, and also that the publishing of this information in the public domain would be incompatible with the purpose for which the data was originally obtained. For these reasons, the information is being withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.

However, the Welsh Government recognises there is a public interest in knowing that an individual employed as a Family Court Advisor (FCA) is qualified to do that job. Outlined below are the qualifications required for all FCAs.

Qualifications

We ensure that all FCAs are suitably qualified and competent to undertake their role. To take up appointment, FCAs need to hold a Diploma in Social Work (or Social Care Wales recognised equivalent) and a minimum of 3 years post qualifying experience of working with children and their families. They also need to demonstrate that they are registered with Social Care Wales.





In order to maintain their registration with Social Care Wales, FCAs are required, within the period of registration, to complete either 90 hours or 15 days of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the professional development of the social worker or social care worker or contribute to the development of the profession as a whole.

It is the responsibility of the individual FCA to ensure that this requirement is met and Social Care Wales regulates the process.

<https://socialcare.wales/landing-page/code-of-professional-practice-and-guidance>

We do not hold information matching the description of parts 2 to 6 of your request. The decisions reached by the court are based on all the evidence presented during the court hearing. All parties involved are provided with an opportunity to bring to the attention of the court any evidence they feel is relevant to the case. The court order will reflect the decision of the court, based on all of the evidence presented as well the FCA's assessment and recommendation.

If you are dissatisfied with the handling of your request, you can ask for an internal review within 40 working days of the date of this response. Please remember to quote the ATISN reference number above.

Requests for an internal review should be addressed to:

Nigel Brown
Chief Executive
Cafcass Cymru
Sarn Mynach
Llandudno Junction
Conwy
LL31 9RZ

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane



Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745

Email: casework@ico.gsi.gov.uk

Yours sincerely

Rydym yn croesawu gohebiaeth Gymraeg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh. Correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not involve any delay.

Tim Cefnogaeth Ganolog ▪ Central Support Team
Cafcass Cymru
Sarn Mynach
Cyffordd Llandudno ▪ Llandudno Junction
Conwy
LL31 9RZ

Mae CAF/CASS Cymru yn
rhan o Lywodraeth Cymru

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