

18 November 2024

Dear

**Reference - ATISN 22050**

Thank you for your email of 24 October 2024 requesting the following information:

- 1. Information relating to HIW's assessment of the services that CRI was running in Wales at the time the service was required to register, and any information that sets out why HIW felt it was legally required to ask the charity to register as an independent provider of healthcare at the time.*

Please find attached enclosures, which contain information held by HIW that is captured your request.

In responding to your request, we have decided that certain information is exempt from disclosure. Our application of the exemption is set out in Annex A to this response.

<b>Information being withheld</b>	<b>Section number and exemption name</b>
Third party personal data in the form of names, contact details, and job roles relating to staff within HIW, Welsh Government and a healthcare setting.	Section 40(2) of the Freedom of Information Act. Personal data protected by the General Data Protection Regulation and Data Protection Act 2018.

HIW operates within the Welsh Government's framework for handling Freedom of Information requests. If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedomofinformation@gov.wales](mailto:Freedomofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,

SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Enclosures:

1. CRI - Query - Legal Advice - Registration advice - 2014-08-01
2. CRI - letter re need to register -2014-08-07

## Annex A

This Annex sets out the reasons for the use of the exemptions as outlined in the response.

### Section 40(2) - Personal Information

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 2018 (DPA 2018) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested concerns 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 Regulation (GDPR). We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

*“processed lawfully, fairly and in a transparent manner in relation to the data subject”*

Although we do not believe the disclosure of personal data to be necessary in order to comply with the request, we also believe that the ‘fairly’ and the ‘transparent’ requirements of the above principle would not be satisfied in that any individuals caught by the request would have no reasonable expectation that their personal information would be put into the public domain. Thus, we believe release of this information into the public domain would be unfair and incompatible with the purpose for which the data was originally obtained. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.