



Ein Cyf/ Our ref ATISN 14669

Nicola Lund
request-705264-9252aa16@whatdotheyknow.com

December 2020

Dear Ms Lund,

ATISN 14669 – Field Hospitals

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 14 December. We have interpreted your requested for information regarding field hospitals as follows:

To provide the projected deaths given to Welsh Government upon which the decision to invest £166 million to set up 19 field hospitals across Wales.

If we do not hear from you by 21 December we will proceed on this basis. You should receive a response by 14 January 2021.

If you have any queries about this request, please do not hesitate to contact me at the address below. Please remember to quote the reference number above in any future correspondence.

Please note: the Welsh Government is facing unprecedented challenges during the coronavirus (COVID-19) pandemic.

As a result resources, both finances and people, are being diverted away from many of our usual activities to deal with the pandemic. This will undoubtedly impact on our ability to comply with the normal requirements for information rights work and as a result you may experience delays when making information rights requests during the pandemic. We thank you for your understanding during this time.

The following is a link to the blog page of the Information Commissioner's web site where you can find an article entitled "FOI and the coronavirus: a measured approach"

<https://ico.org.uk/about-the-ico/news-and-events/icos-blog-on-its-information-rights-work/>

The request you sent me contains personal information about you - for example, your name and address. The Welsh Government will be the controller for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to provide you with a response. We will only use this personal information to deal with your request and any matters which arise as a result of it. We will keep your personal information and all other

information relating to your request for three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

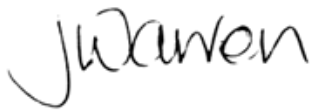
Email: DataProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 745 or 0303 123 1113
Website: www.ico.org.uk

Any information released under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be listed in the Welsh Government's Disclosure Log (at <https://gov.wales/freedom-of-information-responses>).

Yours sincerely,



Jeanette Warren
Government Business Manager
Government and Corporate Business Team

Annex 1

Freedom of Information Act 2000: Section 40(2)

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 1998 ('the 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, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to 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 contains 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 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"

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

Your request indicates you are interested in obtaining copies of the letters that was addressed to Vaughan Gething (MS), Minister for Health and Social Services concerning the new Velindre Cancer Centre. We have concluded that, in this instance, there is little to be gained from releasing the names of the consultants who countersigned the letter. We believe we have provided sufficient information to satisfy the legitimate interest and we do not believe disclosure of the identities of those consultants would allow any greater understanding.

2. Is disclosure necessary?

Following the above analysis, we do not believe that disclosure of the personal data is necessary.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

As we do not believe disclosure of this personal data is necessary, there is no requirement on us to undertake a test to balance the legitimate interests against the right of individuals, as the fundamental rights and freedoms provided by the DPA are not being challenged.