



Bwrdd Iechyd Prifysgol  
Cwm Taf Morgannwg  
University Health Board

Your Ref/Eich cyf:  
Our Ref/Ein cyf:  
Date/Dyddiad:  
Tel/ffôn:  
Fax/Ffacs:  
Email/ebost:  
Dept/Adran:

CTMUHB\_31\_21  
18 March 2021  
01443 744800  
01443 744888  
CTM.freedomofinformation@wales.nhs.uk  
Corporate Development

**Sent by email to:**

[Naren S request-715639-f10354e4@whatdotheyknow.com](mailto:Naren.S.request-715639-f10354e4@whatdotheyknow.com)

Dear Sir/Madam,

**Requests for information under the Freedom of Information Act 2000**

Thank you for your emails received on the 26 February 2021, asking for internal reviews following our response issued to you in relation to the listed requests below:

Summary of request – no response to be issued	No of Questions	Date received
Legal expenses	2	04/01/2021
Referrals to GMC/RO by named member of staff	3	13/01/2021
Attendance in Clinical Audits & Governance meetings in Bridgend Eye Unit in 2 yrs	5	13/01/2021
MHPS applicability and equivalence	5	17/01/2021
Equal opportunity training for named members of staff	4	17/01/2021
CQC- Criticized leadership/Governance/Behaviour/Special measures/ breach of Equality Act	4	23/01/2021
Telephone calls + longest duration in Bridgend Eye Unit	3	23/01/2021
Clinical attendance Vs Letters typed in Ophthalmology in Bridgend Eye Unit	2	23/01/2021

Within our initial response (sent to you 02/02/2021 Ref: CTMUHB\_32\_21) we informed you that after consideration, the Health Board was refusing your requests (listed above) for information under Section 14(1) of the Freedom of Information Act. Section 14(1) states that 'the general right of access to information does not oblige a public authority to comply with a request for information if the request is vexatious'.

Under the Freedom of Information Act, a requester may ask for any information that is held by the Health Board as a public authority. However, it is important to note that this does not mean that the Health Board are obliged to provide the information, for example, in some cases, the Health Board can consider refusing an entire request under the following circumstances:

- It would cost too much or take too much staff resource to manage and respond to the request.

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**Cyfeiriad Dychwelyd / Return Address:**

Bwrdd Iechyd Prifysgol Cwm Taf Morgannwg, Pencadlys, Parc Navigation, Abercynon, CF45 4SN  
Cwm Taf Morgannwg University Health Board, Headquarters, Navigation Park, Abercynon, CF45 4SN

Cadeirydd/Chair: Professor Marcus Longley

Prif Weithredydd/ Chief Executive: Mr Paul Mears

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- The request is vexatious.
- The request repeats a previous request from the same person.

This decision was made based on the number of previous requests submitted by yourself within 60 consecutive working days. The requests were not always under the Freedom of Information Act (FOIA) remit as some related to members of staff within the Bridgend Eye Clinic. We have previously advised personal data is exempt under this Act. As a result, seven of these requests were refused in part or in full on the grounds of requesting personal information where by Section (40)2 applied. A summary of these requests is provided below:

Ref No	Summary of request	No of Questions	Date received
<a href="#">CTMUHB_383_20</a>	Datix incidents in Ophthalmology at Bridgend	4	16/11/2020
<a href="#">CTMUHB_384_20</a>	Clinical Incident in Bridgend Eye Unit on 27 Sept 2019	6	09/11/2020
<a href="#">CTMUHB_385_20</a>	Accountability of Managers in Bridgend Eye Unit	5	16/11/2020
<a href="#">CTMUHB_386_20</a>	Accountability of Medical Director	2	09/11/2020
<a href="#">CTMUHB_387_20</a>	Clinical Incident in Bridgend Eye Unit on 11th October 2019	10	16/11/2020
<a href="#">CTMUHB_388_20</a>	Male : Female Ratio of Race Discrimination Allegations	4	16/11/2020
<a href="#">CTMUHB_399_20</a>	Concerns in Patient (Public ) Interests in Bridgend Eye Unit	9	16/11/2020
<a href="#">CTMUHB_400_20</a>	Concerns Raised in Patient (Public ) Interests in Bridgend Eye Unit (POW Hospital)	9	16/11/2020
<a href="#">CTMUHB_401_20</a>	Detrimental Treatment of a Locum Dr in Bridgend Eye Unit	9	16/11/2020
<a href="#">CTMUHB_402_20</a>	Expenses towards NWSSP's legal & Risk Services	3	03/12/2020

Also provided below is a further summary of requests received from yourself and responded to prior to the 16 November 2020 and the 60 consecutive working days taken into consideration for this response.

Ref No	Summary of requests	No of Questions	Date received
<a href="#">CTMUHB_293_20</a>	Bridgend Eye Clinic	13	15/09/2020
<a href="#">CTMUHB_303_20</a>	POW - Freedom to speak up	2	24/09/2020
<a href="#">CTMUHB_307_20</a>	Whistle Blowing Policy	3	28/09/2020
<a href="#">CTMUHB_308_20</a>	Induction pack to Drs in Eye Department	5	28/09/2020
<a href="#">CTMUHB_325_20</a>	Gagging orders	3	05/10/2020
<a href="#">CTMUHB_332_20</a>	Dismissals of Permanent and Locum employees-including managers	6	06/10/2020
<a href="#">CTMUHB_333_20</a>	Race Discriminations Allegations ( Proven & Otherwise)	3	06/10/2020

The purpose of Section 14 must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of the Freedom of Information Act (2000).

In determining whether the request is vexatious, the Health Board has taken a number of points into consideration in line with the Information Commissioner's Office guidance regarding vexatious requests.

Section 14 is applied where a request imposes significant burden, designed to cause disruption or annoyance and is considered not to have any wider value or public interest in making the requested information publicly available. In this case, the pressures and priorities facing the NHS in Wales at present combined with the number of requests mean that there is a burden on the organisation in answering these.

The organisation has considered a section 14 and taken into account your previous interactions with the Health Board and whether your requests have contributed to a significant burden. This means that even if the request appears to be reasonable in isolation, it may be vexatious if it demonstrates a continuation of behaviour and targeted requests to the Bridgend Eye Clinic and named members of staff which are repeated, obsessive and/or represent a significant burden when considered collectively. The Health Board concludes that this is the case.

The Health Board considers that the repetitive nature of your requests reaches the threshold for determining the application of the vexatious exemption conclusion, which is further outlined below. In determining whether the request is vexatious, the Health Board has also taken following points into consideration:

Section 14 should be applied where a request imposes a significant burden on an authority and:

- Clearly does not have serious purpose or value;
- The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester;
- Frequent or overlapping requests where the requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries;
- Can otherwise be fairly characterised as obsessive or manifestly unreasonable.

In most cases, the vexatious nature of a request will only emerge after considering the request in its context and background. As part of that context, the identity of the requester and past dealings with the public authority can be taken into account.

After careful consideration, an internal review has been carried out and it has been decided to uphold the initial decision based on the information explained above.

If you remain dissatisfied, you can refer the matter to the Information Commissioner at the following address:

- Information Commissioner's Office - Wales  
2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH
- Telephone: 0330 414 6421 / Email: [wales@ico.gsi.gov.uk](mailto:wales@ico.gsi.gov.uk)
- <https://ico.org.uk/>

Yours sincerely

A handwritten signature in black ink, appearing to read 'GGalletly'.

**Georgina Galletly,  
Cyfarwyddwr Gwasanaethau Corfforaethol & Ysgrifennydd y Bwrdd  
Director of Corporate Governance & Board Secretary**