



Mark Davis
request-276371-fe7c9c06@whatdotheyknow.com

Cafcass National Office
3rd Floor
21 Bloomsbury Street
London
WC1B 3HF

Your ref: CAF 15-121
Our ref: Gov/CAF 15-121

Tel 0300 456 4000

2 July 2015

Dear Mr Davis

Re: Freedom of Information Request

Thank you for your email of 23 June 2015. You made the following requests for information:

section 31 of the data protection act 1998 states set out below and section 153 of the legal services act 2007 also confirms the below act.

Please provide us with all named Service managers and Cafcass officers who are working at Cafcass in the A 12 Region from 2012 and 2013 and 2014 and 2015 Who would be by law registered with the health and care profession council.

Please note that section 31 of the Data Protection Act 1998 'Regulatory activity' sets out exemptions which apply only to organisations which perform regulatory functions, such as watchdogs; this is also referred to in section 153 of the Legal Services Act 2007.

As confirmed in CAF 15-70, CAF 15-102 and CAF 15-114, all Cafcass Family Court Advisors and Service Managers must maintain their Health and Care Professional Council (HCPC) registration as a condition of employment.

Cafcass is unable to provide you with personal information belonging to an individual staff member. The names of all staff members across a service area and across several years is personal data relating employees to whom Cafcass owes a duty of confidence.

Disclosure is therefore exempt under Section 40 of the Freedom of Information Act 2000. The exemption from the duty to disclose third party personal data where to do so would breach a data protection principle is an absolute exemption.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Section 40 of the Freedom of Information Act provides that:

1. Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
2. Any information to which a request for information relates is also exempt information if-
 - a. it constitutes personal data which do not fall within subsection (1), and
 - b. either the first or the second condition below is satisfied.
3. The first condition is-
 - a. in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - b. in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

We have previously asked for 2 named people and as of yet you have refused to comply with the law. and may be committing a criminal offence in doing so. Ms Sally Stephens service manager and Ms Nicola Campbell service manager we request there details and current status of employment at Cafcass?

These members of staff are currently employed by Cafcass.

If 'details' refers to their HCPC registration numbers as you have previously requested, please note again that this information is publicly available via the [HCPC register](#) and the [HCPC Registration Department](#).

A response to this request is therefore exempt under Section 21 of the Freedom of Information Act 2000, as the information is accessible by other means. The exemption from the duty to disclose data which is already reasonably accessible to you as the applicant is an absolute exemption.

[21 Information accessible to applicant by other means.](#)

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and*
(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's office (www.informationcommissioner.gov.uk):

Post

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

Fax

01625 524 510

Tel

0303 123 1113

E-mail

casework@ico.org.uk

Yours sincerely,

Governance Team
Cafcass

Governance@cafcass.gsi.gov.uk

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive

