

# Cyngor Sir CEREDIGION County Council

Alun Williams

Pennaeth Cefnogi Polisi /

Head of Policy Support

Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, SA46 0PA

[www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)



Via e-mail only:

[request-426927-cff14d12@whatdotheyknow.com](mailto:request-426927-cff14d12@whatdotheyknow.com)

Dyddiad  
Date

22<sup>nd</sup> September 2017

Gofynnwch am  
Please ask for

Marie-Neige Hadfield

Llinell uniongyrchol  
Direct line

01545 574151

Fy nghyf  
My ref

FOI/12180

Eich cyf  
Your ref

Ebost  
Email

[Marie-Neige.Hadfield@ceredigion.gov.uk](mailto:Marie-Neige.Hadfield@ceredigion.gov.uk)

Dear Mrs. O'Reilly,

## Re: Freedom of Information Request (ID: 12180)

I am writing in response to your correspondence dated 24th August 2017 seeking information regarding the job descriptions and roles and responsibilities of the SEN Manager, and the Head of ALN, Inclusion and Wellbeing.

Please see attached the job descriptions and person specifications for the SEN Manager, and the Head of ALN, Inclusion and Wellbeing for Ceredigion County Council.

The Authority has given consideration to the questions you have raised and the information you are seeking, and our response is outlined below:

### 1. 'Please also list any targets and objectives associated with this role'

The Authority believes that this information should not be disclosed on account that the information requested is exempt under s.40(2) (Personal Information) of the Freedom of Information Act. Please see attached the refusal notice which explains the exemptions applied which confirms the Authority's position in this regard.

Should you wish to request a further internal review in respect of the information provided above, please write to: Mr Alun Williams, Head of Policy Support, Ceredigion County Council, Penmorfa, Aberaeron SA46 0PA or via e-mail: [foi@ceredigion.gov.uk](mailto:foi@ceredigion.gov.uk).

If you remain dissatisfied following the Authority's internal review procedure, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office (ICO) will not make a decision unless you have exhausted the appeals procedure provided by the Council.

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

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

Prif Weithredwr / Chief Executive :  
Dirprwy Brif Weithredwr / Deputy Chief Executive :  
Cyfarwyddwyr Strategol / Strategic Directors :

Bronwen Morgan  
Eifion Evans  
Huw Morgan Cymunedau Cynaliadwy / Sustainable Communities  
Barry Rees Dysgu a Phartneriaethau / Learning and Partnerships  
Sue Darnbrook Gofal, Amddiffyn a Ffordd o Fyw / Care, Protection and Lifestyle

The Information Commissioner's Office can be contacted at:

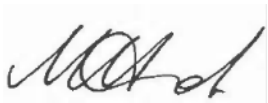
Information Commissioner's Office – Wales  
2nd Floor, Churchill House  
Churchill Way  
Cardiff  
CF10 2HH

*Telephone:* 029 2067 8400

*Fax:* 029 2067 8399

*Email:* [wales@ico.org.uk](mailto:wales@ico.org.uk)

Yours sincerely

A handwritten signature in black ink, appearing to read 'MNH', is enclosed within a thin black rectangular border.

**Marie-Neige Hadfield**  
**Complaints and FOI Manager**  
Enc.

## Refusal Notice – Section 40(2) Freedom of Information Act 2000

Section 40(2) of the Freedom of Information Act 2000 provides that:

- “(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 [1998 c. 29.] 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...*”

In this case we believe that disclosure of the information would result in a breach of the first data protection principle, as stated in the Data Protection Act 1998 (the DPA):

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—*

- (a) at least one of the conditions in Schedule 2 is met, and*
- (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met”.*

The information that you have requested is sensitive personal data, therefore, for the processing to be fair and lawful it must meet at least one of the conditions in Schedule 2 and one of the conditions in Schedule 3 of the DPA. In this case, we do not believe that any of the Schedule 3 conditions are applicable to the processing (i.e. the disclosure) of the sensitive personal data in question, which leads us to conclude that it would be unlawful to disclose the information requested.

As a result, we are refusing the elements of your request relating to targets and objectives associated with the posts on account that these are deemed to be personal data, and therefore we are refusing the elements of your request under section 40(2) of the Freedom of Information Act 2000

This exemption is not subject to the public interest test.

You have the right to request an internal review of our decision to apply this exemption; details of how to do this are provided in the letter that accompanies this refusal notice.

22<sup>nd</sup> September 2017