

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



Dyddiad
Date

17th October 2017

Gofynnwch am
Please ask for

Alun Williams

Llinell uniongyrchol
Direct line

01545 574151

Fy nghyf
My ref

AW/NJ-W/12180

Eich cyf
Your ref

Ebost
Email

Alun.Williams2@ceredigion.gov.uk

By e-mail only:

Mrs O'Reilly

request-426927-cff14d12@whatdotheyknow.com

Dear Mrs O'Reilly,

Re: Freedom of Information Request - Internal Review (ID: 12180)

I write in response to your request dated 29th September 2017 for an internal review of the handling of your request made under the Freedom of Information Act 2000 (FOIA) on account that you did not agree that some information was withheld from you under the Freedom of Information Act.

I have reviewed your original request and subsequent response that has been sent to you, and am now able to provide you with a response to your internal review request.

Your original request dated 24th August 2017 was:

The job description for the SEN manager Mr Gerwyn Loosley along with roles and responsibilities. Please also list any targets or objectives associated with this role. The job description for the Head of ALN, Inclusion and Wellbeing Mrs Gillian Evans along with roles and responsibilities. Please also list any targets and objectives associated with this role.

Our Response dated 22nd September 2017:

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.

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 :

Cyfarwyddwyr Strategol / Strategic Directors :

Eifion Evans

Barry Rees Dysgu a Phartneriaethau / Learning and Partnerships

Sue Darnbrook Gofal, Amddiffyn a Ffordd o Fyw / Care, Protection and Lifestyle

Having reviewed the original request and response, I can confirm that the Authority have already supplied all of the information that you requested on the SEN Manager and Head of ALN roles.

Targets and objectives are set during the annual performance review process but these are personal to the post-holder and remain on file on a confidential basis between the post-holder and line manager(s) for a specified period of time. The Authority therefore withheld the information regarding targets and objectives under Section 40(2) of the FOIA as it was deemed to be personal information.

I am of the view that the exemption applied (Section 40(2) of the Freedom of Information Act 2000) should be maintained for the reasons provided previously. Please be aware that Section 40 is an absolute exemption and therefore does not require a public interest test.

I hope that this now answers your request fully.

I can advise that you are able to refer the matter to the Information Commissioner's Office if you feel that my response is unsatisfactory. Their details are as follows:

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

Kind Regards



Alun Williams
Pennaeth Cefnogi Polisi
Head of Policy Support

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.

17th October 2017