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Cardiff and Vale
University Health Board

Freedom of Information Act 2000 - Request Reference Fol/21/501
Employment of Trainee Clinical Psychologists

Cardiff and Vale University Health Board is requested to provide the following information:

(1) In respect of services provided to Cardiff and Vale University Health Board by Cardiff University in the matter of recruitment, employment and training of NHS Trainee Clinical Psychologists employed by the UHB:

(1.1) Total sum of money paid annually for the following years:

2017 to 2018?

2018 to 2019?

2019 to 2020?

2020 to 2021?

After considering your request, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of both Cardiff University and the UHB. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure: There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure: It has been established that releasing the information sought under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with suppliers. This in turn could lead to less effective use of public funds in





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future. The UHB believes that there is wider established public interest in suppliers not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

Decision: The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

(1.2) Full details of the services provided by Cardiff University in respect of the payments made to Cardiff University by Cardiff and Vale University Health Board.

All research trainees are registered as research students with Cardiff University. Upon completion of the qualification, Cardiff University provides authentication of the degree. The University also provides general IT support and office space.

(1.3) Full copy of the written instructions issued by Cardiff and Vale University Health Board to C&VUHB employee [named individual] (Clinical Psychologist) and/or other C&VUHB employee(s) authorising the subcontracting of C&VUHB and NHS Wales recruitment/employment procedures to Cardiff University in respect of the recruitment/employment of members of the public (prospective employees) for the C&VUHB NHS jobs of Trainee Clinical Psychologists (2017-2021 inclusive).

The UHB does not hold this information. Under our Section 16 obligation, the duty to provide advice and assistance, the UHB can advise that the individual named in your request is no longer employed by the UHB.

(1.4) Full copy of the written instructions issued by Cardiff and Vale University Health Board to C&VUHB employee [named individual] (Clinical Psychologist) and/or other C&VUHB employee(s) authorising the subcontracting of C&VUHB and NHS Wales recruitment/employment procedures to the 'Clearing House for Postgraduate Courses in Clinical Psychology' (based in the University of Leeds) in respect of the recruitment/employment of members of the public (prospective employees) for the C&VUHB NHS jobs of Trainee Clinical Psychologists (2017-2021 inclusive).





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Please see the UHB's response to question 1.3

(2) Full copy of the written declaration submitted by C&VUHB employee [named individual] (Clinical Psychologist) to C&VUHB (employer) detailing the gifts/benefits received by [named individual] from Cardiff University (re requirements for declarations under the NHS Anti-Fraud, Bribery and Corruption Policy).

After considering your request, the UHB is refusing your request under Section 40(5B)(a)(i) of the Freedom of Information Act 2000. Under this exemption, the duty to confirm or deny whether information is held does not arise in relation to information if doing so would contravene any of the data protection principles. The UHB believes that, if the data requested were held, it would be classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. The UHB is therefore unable to confirm nor deny whether the information sought is held.

