

Freedom of Information Act 2000 – Request Reference FoI/24/018

Employee Details

Information Requested:

Please would you be able to confirm dates of employment, job title, area of work, and whether [named individual] has undergone any investigation or disciplinary action.

Response Details:

After considering your request for dates of employment, job title and area of work, Cardiff and Vale University Health Board (the UHB) believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018. Its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing with regard to Articles 5, 6, and 9 of the GDPR. We are therefore withholding this detail under section 40(2) of the Freedom of Information Act 2000 (FOIA 2000). This exemption is absolute and therefore there is no requirement to apply the public interest test.

After considering your request for investigation or disciplinary action, the UHB believes that the data requested would also be classed as personal data as defined under the GDPR and Data Protection Act 2018.

It follows that, in accordance with section 40(5B)(a)(i) and (ii) of the FOIA 2000, the UHB can neither confirm nor deny whether it holds the information sought. To confirm or deny that the information is held would contravene the data protection principle of lawful, fair and transparent processing as outlined in Article 5(1)(a) of the GDPR.

For the purposes of disclosure under the FOIA 2000, employees of a public authority might have a reasonable expectation that their employers would not inform the public on whether disciplinary information about them existed. It might be apparent that such confirmation or denial would cause an employee damage and distress.

Since section 40(5B)(a)(i) and (ii) of the FOIA 2000 entails an absolute exemption, there is no requirement to apply the public interest test.