

23 September 2022

Dear

Reference – ATISN 16615 – Request for Information

Thank you for your information request received on 26 August 2022. A response to your information request is provided below.

You asked for copies of all paperwork relating to a health and safety investigation into Black Sands Tattoo Studio, Swansea

Our response

Application of exemptions/exceptions

The Freedom of information Act provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

Healthcare Inspectorate Wales (HIW) has decided to withhold the following information:

Information being withheld	Section number and exemption name
Paperwork relating to inspection activity at Black Sand Tattoo Studio	Freedom of Information Act 2000 s31(1)(b) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice the apprehension or prosecution of offenders.

Engagement of section s31(1)(b) (Law enforcement) of the Freedom of Information Act

The Welsh Government believes that information generated in result of an investigation into the Black Sands Tattoo Studio should be exempt from disclosure. This information is being used to ascertain whether or not a prosecution should be brought against certain individuals. Putting this information into the public arena at this point in time we believe would be likely to prejudice the ongoing investigation and deliberations as it would be likely to provide potential witnesses with information not currently known to them. The effect of this is that it could influence any statement or testimony they are later asked to provide. The result of that is the statement or testimony would not be a true reflection of their experience or personal knowledge and would not be admissible in Court and thus prejudice any Court case with the result that a true and fair trial may not occur.

Public interest arguments in favour of disclosure

Disclosure to the world at this point in time would make it known that HIW has received information resulting in the need to initiate a criminal investigation and an enforcement visit. It is in the public interest that HIW is seen to act and respond accordingly to information that suggests a criminal offence may have occurred and initiate an investigation and prosecution where necessary.

Public interest arguments in favour of withholding

It is in the wider public interest that investigation and prosecutions are seen to be conducted fairly without prejudicing the rights of the alleged offenders to receive a fair trial or prejudice the ability of prosecuting agencies to bring enforcement action where appropriate. As such we believe disclosure, at this point in time, would be likely to prejudice the prosecution of alleged offenders

Balance of public interest test

HIW believes that, at this point in time, ensuring the due process to allow this investigation to run its course is followed outweighs any public interest in disclosing the information. Consequentially we believe the exemption is properly applied.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedomofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely