



Ref: ATISN 17334

1 August 2023

Dear Mr Evans,

Complaint in respect of ATISN 17344 – Geraint Evans’ report to the Welsh Government - Betsi Cadwaladr University Health Board

I am responding to your email which was received on 13 July 2023 in which you asked us to review our response to your request for information under the Freedom of Information Act 2000 (FOIA). This letter is to inform you of the outcome.

In your original request dated 27 March 2023, you asked for the following:

- *A copy of Geraint Evans’ report to the Welsh Government following an investigation of concerns raised about the Board of Betsi Cadwaladr University Health Board. I understand the investigation took place between November 2022 and January 2023*

In our response dated 8 June 2023, we apologised for the delay, and explained that we had concluded that the report relating to the investigation undertaken in Betsi Cadwaladr University Health Board should be withheld from disclosure under section 36(2) of the Freedom of Information Act. We explained our reasons for applying this.

In your email dated 13 July, you requested an internal review of the decision in its entirety with a particular focus on the public interest assessment as you did not consider that the public interest factors of disclosure had been adequately considered.

I have reviewed our response in its entirety, and in particular the analysis of the public interest test that we provided with our response. I am satisfied that the decision to engage the section 36(2) exemption was reasonable and appropriate, and that the Qualified Person agreed that it was engaged. Having reviewed the annex to our response (detailing our application of the public interest test), I believe that it is a thorough and complete consideration of the various arguments for and against maintaining the section 36(2) exemption.

I am certainly not dismissing the factors that you have highlighted in your request (13 July). They are all valid considerations. But they have to be weighed against even more compelling arguments for maintaining the exemption. I am satisfied that our response

applied the public interest test correctly, and that it considered *inter alia* all the points you have raised.

In addition to recognising some very strong arguments for maintaining the exemption, we have clearly apportioned more weight to the importance of ensuring the fairness of the process. As our response made clear, the Welsh Government has not yet concluded the process of considering and acting upon the report, and communicating the outcome of the process to anyone who might be affected. In my view, the fairness of the process would be undermined by releasing the report, and that would not be in the public interest.

I have reviewed our response to your FOI request in accordance with the procedure stated in my previous letter to you (dated 13 July 2023). In my view this was a reasonable response, and therefore I do not uphold your complaint.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

[FOI and EIR complaints | ICO](#)

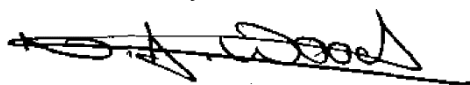
Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)

Email: ask@ombudsman-wales.org.uk

Yours sincerely



Nick Wood

Deputy Chief Executive NHS Wales