

4 September 2023

Dear

## **ATISN 18838 – Resignation of Swansea Bay NHS CEO**

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 14 August 2023. You have requested the following:

- 1. Please release all emails (internal / external) and documents held by Welsh Government relating to the resignation/retirement of Swansea Bay NHS Chief Executive Mark Hackett.*

### **Our Response**

Please find attached copies of emails as requested at the back of this letter.

In relation to the emails attached, we have applied redactions under Section 40(2) of the Freedom of Information Act 2000. For further information relating to this, please see **Annex A** of this letter.

### **Next steps**

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: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@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,

## Annex A

### **S.40 (2) – Personal information about others**

Section 40 sets out an exemption from the right to know if the information requested is personal information protected by the Data Protection Act 1998 (DPA). Personal data is defined in Section 1(1) of the DPA as:

*“personal data” means data which relates to a living individual who can be identified from those data; or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.*

The **emails requested contain the names of officials** and under Section 40(2) of the Freedom of Information Act (FOI Act), personal data is exempt from release if disclosure would breach one of the data protection principles. We consider the first principle to be of most relevance in this instance.

The first data protection principle states:

*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.*

We consider that the information in this case clearly falls within the description of personal data as defined by the DPA and that disclosure would breach the first data protection principle. The first data protection principle has two components:

- 1 Personal data shall be processed fairly and lawfully and
2. Personal data shall not be processed unless at least one of the conditions in DPA schedule 2 is met

Guidance from the Information Commissioner’s Office (Personal information (section 40 and regulation 13) v 1.3) states (at p11):

- The starting point is to consider whether it would be fair to the data subject to disclose their personal data. The key considerations in assessing this are set out in the section on Fairness below.
- If disclosure would not be fair, then the information is exempt from disclosure.

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

*“The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. There was no need in the present case therefore to consider whether any other Schedule 2 condition or conditions could be met because even if such conditions could be established, it would still not be possible to disclose the personal data without breaching the DPA” (paragraph 63).*

I have concluded that there is a reasonable expectation that the identity of the living individuals mentioned within the emails would not be made public. It is my view, therefore, that disclosure of the redacted information would breach the first data protection principle, and thus is exempt from release under section 40 of the FOI Act.

## Doc 1

**From:** <redacted s40(2)(1) Officer 1> (Swansea Bay UHB - Corporate Services) **On Behalf Of** Mark Hackett (Swansea Bay UHB - CEO Office, Corporate)  
**Sent:** Thursday, May 25, 2023 1:11 PM  
**To:** <redacted s40(2)(1) Officer 2> (HSS - Health & Social Services)  
**Subject:** URGENT: For review from Mark Hackett, CEO  
**Importance:** High

Dear <redacted s40(2)(1) Officer 2>,

Please see attached messages that we will be sending out to ALL STAFF at Swansea Bay UHB at around **3 pm today**. Mark wishes you to have sight of these messages before they are issued so if you have any concerns, please could you kindly let me know urgently, otherwise we will be pressing ahead as planned.

As well as telling all staff, we will also be engaging with all key stakeholders to ensure they are all aware in parallel with our staff communications.

Mark will also write to his fellow CEO colleagues in advance of writing to our staff.

Thank you very much for your time and support.

With kind regards,

<redacted s40(2)(1) Officer 1>

Bwrdd Iechyd Prifysgol Bae Abertawe / Swansea Bay University Health Board  
Pencadlys SBU / SBU Headquarters  
1 Talbot Gateway, Port Talbot, SA12 7BR  
<redacted s40(2)(1)>

## Doc 1a

**Message to all staff from Mark Hackett  
with accompanying messages from <redacted s40(2)(1) Officer 3>  
and <redacted s40(2)(1) Officer 4>**

### **MESSAGE FROM MARK HACKETT, CHIEF EXECUTIVE**

Dear Colleagues,

I'm writing to let you know that I will be retiring at the end of August and will be leaving Swansea Bay University Health Board.

It's a decision I've made around my family circumstances and is not one I've made lightly. I am very committed to my family and have a number of things I will need to do to support them at this time which, if I do not act on, I will regret forever. This has not been an easy decision for me at all

That's why I have made the decision to leave with a mixture of emotions. I have enjoyed hugely my time in Swansea Bay, which will always have a special place in my heart. I admire the people, patients and staff I have worked with and their

incredible energy, passion and commitment. There is huge potential for making our future a better place and I am confident that our Health Board will realise its vision of becoming a high quality organisation.

That's why we will still be launching our vision for a high quality organisation in the coming weeks and I will remain completely focused on working energetically with you on this exciting agenda right up until my departure.

In the meantime, thank you for everything you do on behalf of our patients and public – I and my executive colleagues really appreciate it.

With regards,

Mark

Mark Hackett  
Chief Executive

**MESSAGE FROM** <redacted s40(2)(1) Officer 3>, **CHAIR**

Dear Colleagues,

Following Mark's announcement of his retirement and departure, I wanted to pay tribute to him and tell you how we will replace him.

Firstly, I am so very sad to see Mark go. His energy and enthusiasm combined with his deep knowledge and experience have served our Health Board well and have resulted in us laying solid foundations for the future. And that foundation is based on the feedback you gave Mark and other colleagues as part of Our Big Conversation, a process through which many of you will have got to know Mark and seen his incredible passion and commitment at first hand.

Mark's decision to retire wasn't easy for him, not least because he wanted to push forward our vision of developing a high quality organisation, but there are circumstances where family comes first and that is very much the case here.

It is clearly vital that we ensure there is strong leadership in place for when Mark leaves and that's why I'm delighted to let you know that <redacted s40(2)(1) Officer 4>, currently our Deputy Chief Executive and Executive Medical Director, will become Acting Chief Executive immediately after Mark's departure.

<redacted s40(2)(1) Officer 4> will work closely with Mark in the coming days and weeks to ensure a smooth transition. That transition will include the joint launch by Mark and <redacted> of our new vision for a High Quality Organisation in the coming weeks.

<redacted s40(2)(1) Officer 4> is an experienced clinical leader who knows our organisation inside out. He will provide strong interim leadership for the next 12 months, from 1 September onwards, allowing us to focus on delivering our vision and building on our achievements.

With regards,

<redacted s40(2)(1) Officer 3>

<redacted s40(2)(1) Officer 3>, Chair

**MESSAGE FROM** <redacted s40(2)(1) Officer 4>, **DEPUTY CHIEF EXECUTIVE**

Dear Colleagues,

I am delighted to have been asked to take on the role of acting Chief Executive.

I will be working with Mark over the coming weeks to ensure a smooth transition, something aided by the fact that we have a high performing team of colleagues in place who are committed to the direction and approach Mark has helped us set towards becoming a high quality organisation.

I really look forward to working with you all in the future in my new capacity and will be communicating arrangements for the covering of my Executive Medical Director role within the Executive Team in due course.

I've thoroughly enjoyed working with Mark and am sad that he will be leaving us. I completely understand his decision to prioritise his family. His energy, drive and enthusiasm have been inspirational and his influence has had a hugely positive impact on our Health Board and has set solid foundations for the future.

I'm sure you will all join me in wishing him the very best for the future.

With regards,

<redacted s40(2)(1) Officer 4>

## Doc 2

**From:** <redacted s40(2)(1) Officer 2> (HSS - Health & Social Services)  
**Sent:** Thursday, May 25, 2023 2:04 PM  
**To:** Mark Hackett (Swansea Bay UHB - CEO Office, Corporate)  
**Cc:** PS to DG for Health and Social Services Chief Executive NHS Wales  
**Subject:** RE: URGENT: For review from Mark Hackett, CEO

Thanks for sharing this Mark – I will arrange to meet with <redacted s40(2)(1) Officer 4> re his AO role and responsibilities as interim CEO

I'm sure everyone will be very sad you are leaving Swansea Bay.

We are catching up soon

Take care

<redacted s40(2)(1) Officer 2>

Cyfarwyddwr Cyffredinol Grŵp Iechyd a Gwasanaethau Cymdeithasol / Prif Weithredwr GIG Cymru

Director General Health & Social Services Group / NHS Wales Chief Executive  
Llywodraeth Cymru / Welsh Government

'Hi' yw'r rhagenw a ffefrir /Preferred pronouns She/ Her

### Doc 3

**From:** <redacted s40(2)(1) Officer 5> (HSSG Director General's Office) **On Behalf Of** PS to DG for Health and Social Services Chief Executive NHS Wales

**Sent:** Thursday, May 25, 2023 3:26 PM

**To:** <redacted s40(2)(1) Officer 6> (HSS - NHS Workforce & Operations); <redacted s40(2)(1) Officer 7> (HSS - Chief Medical Officer); <redacted s40(2)(1) Officer 8> (HSS - Health & Social Services); <redacted s40(2)(1) Officer 9> (HSS - Health & Social Services); <redacted s40(2)(1) Officer 10>

(HSS - Cafcass Cymru - Central Support); DS to DG for Health and Social Services Chief Executive NHS Wales; <redacted s40(2)(1) Officer 11> (HSS - NHS Planning); <redacted s40(2)(1) Officer 12>

(HSS - CDO - Technology & Digital); <redacted s40(2)(1) Officer 13> (HSS - Social Services & Integration); <redacted s40(2)(1) Officer 14> (NHS Wales Delivery Unit); <redacted s40(2)(1) Officer 15> (HSS - Quality & Nursing Directorate); <redacted s40(2)(1) Officer 16> (HSS - NHS Finance - HSS Finance); <redacted s40(2)(1) Officer 17> (HSS - Health & Social Services); <redacted s40(2)(1) Officer 2> (HSS - Health & Social Services); PS Chief Medical Officer; PS to DG for Health and Social Services Chief Executive NHS Wales; <redacted s40(2)(1) Officer 18> (HSS - Health and Wellbeing); <redacted s40(2)(1) Officer 19> (HSS - Health Protection); <redacted s40(2)(1) Officer 20> (HSS - NHS Workforce & Operations - Communications); <redacted s40(2)(1) Officer 21> (HSS - Mental Health & Primary Care); <redacted s40(2)(1) Officer 22> (HSSG Director General's Office); <redacted s40(2)(1) Officer 23>

(HSS - Quality & Nursing Directorate); <redacted s40(2)(1) Officer 24>

(HSS - NHS Workforce & Operations - Communications); <redacted s40(2)(1) Officer 25>

(HSS - Health & Social Services)

**Subject:** FW: URGENT: For review from Mark Hackett, CEO

**Importance:** High

All

Please see attached from Mark Hackett, CEO Swansea Bay Health Board.

Many thanks

<redacted s40(2)(1) Officer 5>

**See Document 1a for Attachment**