

Dear

ATISN 24391: Request for Information regarding Blue Door Childcare

Thank you for your request for information received on 13/02/2025. You asked for the following information:

1. Any records, communications, or documents related to inspections, assessments, and other relevant information about Justine Vedmore in her role as Childcare Director.
2. Copies of records, communications, or documents related to the July 2024 inspection of Blue Door Nursery, including those before, during, and after the inspection.
3. Copies of records, communications, or documents related to the June 2022 and November 2024 inspections of Blue Door Out of School Care, including those before, during, and after the inspections.

Our Response

We have considered your request under the Freedom of Information Act (FoIA). We have decided the Information requested is exempt from disclosure under the following sections of the FoIA and is therefore withheld.

Information about Justine Vedmore in her role as Childcare Director:

- This is personal data of someone other than the requester and is therefore exempt from public disclosure under **Section 40(2): Personal data of a third-party**. It is also information obtained and processed by CIW for the purposes of our regulatory functions which is exempt from disclosure under **Section 30(2): Investigations and proceedings conducted by public authorities**.

Information about the inspections of Blue Door Nursery and Blue Door Out of School Care:

- The CIW inspection reports for the inspections of Blue Door Nursery in July 2024 and Blue Door Out of School Care in June 2022, including the ratings applied, details of any areas for improvement identified and/or failings for which priority action notices were issued are available within our online directory here: [Care service directory | Care Inspectorate Wales](#). As these reports are already publicly available, they are exempt under **Section 21: Information accessible to applicant by other means**.
- The CIW inspection report for the inspection of Blue Door Out of School Care in November 2024 is not yet available.
- The inspection planning & analysis documentation, which includes the information collected and considered by CIW for the purpose of these inspections, and communications relating to the inspections, is information obtained and processed by CIW for the purposes of our functions relating to the inspection of childcare services. It includes personal data of third-parties and information provided to CIW in confidence for the purpose of inspection. It is therefore exempt from disclosure under **Section 30(2): Investigations and proceedings conducted by public authorities** and **Section 40(2): Personal data of third-parties**.

The reasons for applying these exemptions are set out in full at **Annex 1** to 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: 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 the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,

Annex 1

Application of exemptions

The Freedom of Information Act (FoIA) provides 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.

We have decided to withhold the following information:

Information being withheld	Section number and exemption name
Records, communications, or documents related to inspections, assessments, and other relevant information about Justine Vedmore in her role as Childcare Director	<ul style="list-style-type: none">• Section 40(2): Personal data of a third-party.• Section 30(2): Investigations and proceedings conducted by public authorities.
Copies of records, communications, or documents related to the July 2024 inspection of Blue Door Nursery, including those before, during, and after the inspection.	<ul style="list-style-type: none">• Section 21: Information available to the applicant by other means• Section 30(2): Investigations and proceedings conducted by public authorities.• Section 40(2): Personal data of a third-party.
Copies of records, communications, or documents related to the June 2022 and November 2024 inspections of Blue Door Out of School Care, including those before, during, and after the inspections	<ul style="list-style-type: none">• Section 21(1): Information available to the applicant by other means• Section 30(2): Investigations and proceedings conducted by public authorities.• Section 40(2): Personal data of a third-party.

Section 21: Information available to the applicant via other means

Section 21(1) says:

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.*

Some of the information requested under parts 2 and 3 of the request is already publicly available via CIW's online directory. This includes the CIW inspection reports for the July 2024 inspection of Blue Door Nursery and the June 2022 inspection of Blue Door Out of School Care, and the CIW ratings applied to these services. This part of the information requested is therefore exempt.

Section 30(2): Investigations and proceedings conducted by public authorities

The information requested at parts 1, 2 and 3 of the request is information obtained and processed by CIW for the purpose of the inspection of these childcare services, which is a regulatory function under the Children & Families (Wales) Measure 2010.

Under Section 30(2) of the FoIA:

Information held by a public authority is exempt information if—

- (a) it was obtained or recorded by the authority for the purposes of its functions relating to—*
 - (iii) investigations which are conducted by the authority for any of the purposes specified in section 31(2) and either by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under any enactment, and*
- (b) it relates to the obtaining of information from confidential sources.*

(a) CIW inspections of childcare services are undertaken as part of CIW's regulatory function by virtue of powers conferred by the **Children & Families (Wales) Measure 2010**. In the case of these inspections, the following purposes specified in **Section 31(2)** of the FoIA apply:

(a) the purpose of ascertaining whether any person has failed to comply with the law,

(b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,

(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,

(d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,

(j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

(b) The information collected for the purpose of inspection includes information obtained in confidence from various sources including via feedback received from parents and staff; concerns raised by parents, staff or members of public; notifications and documentation submitted by the service provider; and details of confidential discussions between CIW inspectors and staff, parents, children, or others, during or as part of inspection. This information is provided to CIW with an expectation of confidentiality so CIW can ensure people feel safe to engage openly with or provide accurate information to CIW to inform our inspections.

Public interest test

Section 30 is subject to the public interest test. This means the public interest in withholding the requested information must outweigh the public interest in disclosure. Our consideration of the public interest test is as follows:

Public interest in disclosing the information:

- There is a public interest in CIW being open and transparent about the outcomes of our regulatory inspection activity and in knowing whether regulated childcare services provide good quality safe standards of care.

Public interest in withholding the information:

- There is a public interest in allowing CIW to consider a wide-range of information to inform our inspections in order to determine whether registered childcare providers are compliant with the relevant standards and regulations, by ensuring that people's confidentiality is protected when they engage, share information, or raise concerns with CIW as part of our inspection processes.

Balance of the public interest:

- We consider, on balance, the public interest is in favour of withholding the requested information. This is because the public interest in transparency is outweighed by the public interest in maintaining the integrity and effectiveness of CIW's regulatory functions for the purpose of protecting the safety and welfare of children who use childcare services, and the duty to protect the confidentiality of people who share information with CIW. We believe the public interest in knowing whether childcare services provide good quality safe care is met through the publication of inspection reports and ratings.

Conclusion:

We believe the information requested is therefore exempt from disclosure under Section 30(2), as set out above.

Section 40(2): Personal data of a third-party

The information requested in **part 1** of the request is the personal data of the Director for Blue Door Childcare. The information requested in **parts 2 and 3** of the request includes personal data of children who were cared for at these childcare services, the parents of those children, the staff of those services, and other people who were involved with those services.

If the requested information is the personal data of someone who is **not** the requester, it is third-party personal data. "Personal data" means any information relating to an identified or identifiable living individual. The information requested above is therefore third-party personal data.

Under Section 40(2) of the FoIA:

Information is exempt from disclosure under section 40(2) if:

- *the requested information is third-party personal data; and*
- *one of the following three conditions are met:*
 - *First condition: disclosure would contravene one of the data protection principles.*
 - *Second condition: disclosure would contravene an objection to processing.*
 - *Third condition: the information is exempt from the right of access.*

The first condition is satisfied if disclosing third-party personal data to a member of the public, otherwise than under FOIA, would contravene any of the data protection principles set out in Article 5 of the UK GDPR.

In this case, the applicable data protection principle in Article 5 is: **Principle (a)**: "Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject"

For the purpose of responding to an FoI request, the 'processing' is the disclosure of that data. We must therefore consider whether we have a lawful basis under data protection legislation to disclose third-party personal data to a member of the public. The lawful bases for FoI disclosure under Article 6 of the UK GDPR are:

- Article 6(1)(a) – consent of the data subject; and
- Article 6(1)(f) – legitimate interests.

We do not have consent of the data subjects in this instance. Article 6(1)(f) provides a lawful basis if the processing is “*necessary for the purposes of legitimate interests pursued by the controller or by the third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data, in particular where the data subject is a child.*”

We have considered the legitimate interest assessment as follows:

1. Legitimate interest test: are you, or the third party seeking access to the information, pursuing a legitimate interest?

We are not aware of any legitimate interests pursued by the requester in disclosure of the personal data requested. We acknowledge there may be some legitimate interests in the wider public for information relating to CIW inspections of childcare services.

2. Necessity test: is disclosure necessary to meet those interests?

We do not believe disclosure of personal data is necessary to meet the public interest. This public interest can be met by the published CIW inspection reports for childcare services which inform the public about the quality and safety of the childcare services to which they relate, without the need to disclose the full information considered as part of the inspection including the personal data of service people and children.

3. Balancing test: do the legitimate interests outweigh the interests and rights of the individual?

As the necessity test is not met, we do not need to consider the balancing test.

Conclusion:

As disclosure of the personal data requested is not necessary for the purposes of legitimate interests pursued by the controller or by the third party, and we do not have the consent of the data subjects to disclose their personal data, disclosure of this personal data would be unlawful and so would therefore contravene principle (a) set out in Article 5 of the UK GDPR. The first condition under Section 40(2) is therefore met and so the information is exempt from disclosure.