

Dear

**Complaint in respect of ATISN 24391: Request for Information regarding Blue Door Childcare.**

I am writing in relation to your request for an internal review of Care Inspectorate Wales' response to your request for information dated 13 February 2025.

I am sorry you felt dissatisfied with the response to your request for information. I have undertaken an internal review in line with our procedures and I have set out my findings and conclusions below. I have not had any previous involvement in CIW's decision making concerning your request for information.

As set out in your email dated 14 March 2025 requesting an internal review of the handling of your request for information, you asked us to:

- Re-evaluate the decision to fully withhold information and consider releasing documents with necessary redactions.
- Provide clarity on why redaction and partial disclosure were not considered, despite previous similar disclosures (e.g. ATISN-11666, Nightingales).

In undertaking this review I have considered:

- Your request for information received on 13 February 2025.
- CIW's response to your request for information dated 13 March 2025 and the basis for the decision to withhold the information.
- The points you raise in your request for an internal review.
- Discussions with CIW lead officials and its quality and information manager, regarding the rationale for exemption.
- Guidance about the application of the relevant sections of the Freedom of Information Act publicly available on the website of the Information Commissioner's Office.

**Your request for information**

Your request for information, ref: ATISN 24391, submitted on 13/02/2025, 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.

Your request was considered under the Freedom of Information Act 2000 (FoIA). The requested information was withheld under the following exemptions of the FoIA:

- 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.

## Findings

I have re-evaluated the decision to withhold the information and considered releasing documents with relevant redactions.

The information in part 1 of the request is personal information of the Director for Blue Door Childcare. CIW's response to the request sets out that this is personal information of someone other than the requester and is therefore exempt from public disclosure under **Section 40(2): Personal data of a third party**. While partial disclosure through redaction could potentially obviate the application of this exemption (and was considered), it would more likely than not still identify the third party's personal data as your request concerns a specific individual. In addition, it would not negate the potential need for exemption under **Section 30(2): Investigations and proceedings conducted by public authorities**.

In relation to parts 2 and 3 of the request, I note your clarification that your interest is specifically in internal material rather than publicly available reports. I acknowledge this means the application of **Section 21: Information accessible to applicant by other means**, is not now directly relevant to your request. (It is, however, relevant to a consideration of the public interest test). CIW explained it believed that **Section 40(2) personal data of a third party** and **Section 30(2) Investigations and proceedings conducted by public authorities** were also relevant exemptions. As with part 1 of your request, while partial disclosure through redaction was considered, it would not negate the potential need for exemption under **Section 30(2)**.

I have considered whether exemption under **Section 30(2)** is applied properly and reasonably in CIW's response to your request. Guidance from the Information Commissioner's Office is that the idea of 'law enforcement' should be interpreted broadly. They note a finding from the Upper Tribunal that 'law enforcement' includes any regulatory regime established by statute. ([Law enforcement - section 31 | ICO](#)).

I find it reasonable for CIW to assert the requested information is obtained and processed by CIW for the purpose of the inspection of childcare services, which is a regulatory function under the Children & Families (Wales) Measure 2010. I am satisfied that 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.

I have considered the information you provided concerning the release of information by CIW in November 2017. This information concerned the names and length of service for members of staff at CIW involved with the inspection and service of concern meeting for a childcare setting. I do not consider the decision to release that information directly relevant to the decision to apply an exemption to your request. This is because while it would not be reasonable for inspectors employed by CIW to expect their names and length of service

to be kept confidential; I do find it reasonable for CIW to expect that information obtained and processed by CIW for the purposes of our functions relating to the inspection to remain confidential.

I have reviewed the application of the public interest test by CIW in its response to your request. I am satisfied that the public interest in assurance about the quality and safety of childcare settings is served by the publication of inspection reports and ratings. Furthermore, there is a significant public interest in CIW maintaining public confidence that its records, communications and documentation relating to its inspections remain confidential. I find these considerations outweigh any public interest in releasing the requested information.

## **Conclusion**

I am satisfied CIW acted properly and reasonably in applying the exemptions and that partial disclosure or redactions would not obviate the application of an exemption under Section 30(2).

I have considered your complaint in accordance with the procedure outlined in the Welsh Government's Practical Guide for Making Requests for Information which is available by post on request or via the internet at: [Requesting information from the Welsh Government \[HTML\] | GOV.WALES](#)

If you remain dissatisfied with this response you 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.

Yours sincerely

Deputy Chief Inspector  
Care Inspectorate Wales