

Dear

### **ATISN 26276 – In-work Support Services**

Thank you for your request to Welsh Government for information under the Freedom of Information Act (2000) received on 21 October 2025 regarding in-work support services.

You requested the following:

- 1. Ministerial and senior-official correspondence (emails, letters, or meeting notes) between March 2023 and the present relating to the partnership, merger, or common-ownership structure involving these entities;*
- 2. Any briefings or submissions to Ministers or Directors-General concerning the compliance or risk implications of that structure;*
- 3. Any internal communications between Welsh Government Procurement and Health & Social Services officials referring to the approval or management of this arrangement; and*
- 4. Any minutes of meetings where the arrangement or its implications for delivery of the contract were discussed.*

Additionally, you requested:

- 5. Any internal or external correspondence, emails, meeting notes or briefings (including those with Case-UK, Health 2 Employment Ltd, or BUSY Group) discussing or approving this change of ownership or “partnership”;*
- 6. Any assessments, reports or memoranda produced under Regulations 24 and 72 of the Public Contracts Regulations 2015 relating to conflicts of interest or material modifications to the contract;*
- 7. Any conflict-management plans, mitigation measures, or declarations of interest recorded by Welsh Government officials;*
- 8. Any legal or procurement advice sought or received concerning the compliance of this restructuring with the Public Contracts Regulations 2015 or Welsh Government procurement policy; and*
- 9. Any audit or monitoring reports that reference Health 2 Employment Ltd, OH Physio, or other delivery entities connected with this arrangement.*

*Please specify the date range searched (March 2023 – present)*

### **Our Response**

The Welsh Government’s internal Outlook service retention policy retains information for a maximum of 12 months. Internal e-mail correspondence between Welsh Government officials or external e-mail correspondence with Case-UK relating to this matter between March 2023 and October 2024 is not routinely available.

Case-UK informed officials of their intention to enter into partnership with Health 2 Employment and of their joining of that new partnership with the BUSY Group in advance of the formalising of their partnership from September 2024 in conversations with officials.

Case-UK C.I.C have retained its separate legal identity and status, with the ownership, management structure, and controlling interests remaining unchanged.

Colleagues in Welsh Government Commercial Delivery have advised you that in accordance with the Public Contract Regulations 2015 no further action was required by Welsh Government.

In answer to your points at 1,3 and 9 there are none.

Points 2,6, 7 and 8 are or were not applicable.

On points 4 and 5, we can confirm that minutes of meetings, e-mails, details where the changes in the arrangements were discussed are attached. We have concluded that some of the information requested is exempt from disclosure under the following section of the Freedom of Information Act:

- Section 40(2) – Personal Information of the Freedom of Information Act.

An explanation of our application of this exemption is set out 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: [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,

## Annex1

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

*“Processed lawfully, fairly and in a transparent manner in relation to the data subject”*

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

*“Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.*

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test: -

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information.
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question.
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

### 1. Legitimate interests

Your request indicates you are interested in copies of correspondence and meeting notes which relate to in-work support services between March 2023 – present.

We have concluded that, in this instance, there is little to be gained from releasing the names of individuals and other personal data which are included within the attached documentation. We believe we have provided sufficient information to satisfy the legitimate interest, and we do not believe disclosure of the identities of those consultants would allow any greater understanding

### 2. Is disclosure necessary?

Following the above analysis, we do not believe that disclosure of the personal data is necessary.

**3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms**

As we do not believe disclosure of this personal data is necessary, there is no requirement on us to undertake a test to balance the legitimate interests against the right of individuals, as the fundamental rights and freedoms provided by the DPA are not being challenged.