



Ref: ATISN 26778

7 April 2026

Dear ,

ATISN 26778 – Digital Health Advisor

Thank you for your request to Welsh Government for information under the Freedom of Information Act (2000) received on 06 March 2026.

You requested the following:

- how the appointment was made and/or supplier contract awarded
- if a contract, the scope of work and amount of contract
- details of what type of advice was commissioned (eg whether directly to ministers as a special/political adviser, or to officials as a technical/delivery adviser)
- list of meetings attended by Digital Health Advisor
- notes of meetings attended by Digital Health Advisor
- copies of advice provided by Digital Health Advisor

Our Response

- *how the appointment was made and/or supplier contract awarded*
- *if a contract, the scope of work and amount of contract*
- *details of the what type of advice was commissioned (eg whether directly to ministers as a special/political adviser, or to officials as a technical/delivery adviser)*

Details of the supply of services can be found in the published UK7 Contracts Award notice:
<https://www.find-tender.service.gov.uk/Notice/033384-2025>

- *list of meetings attended by Digital Health Advisor*

- Electronic Health Records Wales – 1 July 2025
- National Digital, Data and Technology (DDaT) Leadership Board – 13 August 2025, 4 November 2025, 27 February 2026
- Digital Advisor meeting Ministers – 22 September 2025
- DDaT Leadership Board Pre meeting – 24 February 2025, 7 August 2025, 20 September 2025, 3 November 2025, 4 February 2026, 25 February 2026

- DDaT Delivery Board – 2 July 2025, 16 October 2025, 10 December 2025, 13 January 2026
- DDaT Digital Advisory Group (DAG) 5 December 2025
- Integrated Quality, Planning and Delivery (IQPD) – 18 August 2025, 27 October 2025, 3 December 2025
- Ad-Hoc internal team meeting – 28 July 2025, 24 September 2025, 14 November 2025, 12 December 2025, 5 January 2026
- In person meeting – 26th November 2025
- Digital Blueprint update meeting – 9 January 2026
- Meetings to discuss Governance Structure and new Boards – 8, 15, 17, 22, 24, 29, 31 July, 7, 12, 14 August and 4 September 2025
- Meeting to discuss DHCW Remit Letter – 14 November 2025
- Programme Objectives Meeting – 24 October 2025
- Governance Meeting – 9 January 2026
- DiSC Framework Meeting – 3 February 2026
- Clinical and Operational Advisory Group – 4 February 2026

- notes of meetings attended by Digital Health Advisor

- copies of advice provided by Digital Health Advisor

The Welsh Government holds information which fits the description of your request. We have concluded that some of the information requested is exempt from disclosure under the following sections of the Freedom of Information Act:

- section 35 1(a) Information held by a government department or by the Welsh Government is exempt information if it relates to— (a) the formulation or development of government policy.
- Section 43(2) – Prejudice to Commercial Interests
- Section 40(2) – Personal Information of the Freedom of Information Act.

An explanation of our application of these exemptions is set out at Annex 1 and Annex 2 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

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 1

Engagement of Exemptions

When considering the release of information captured by a request we are required to consider the potential effects of disclosure of the information to the wider world. This is because information released in response to a FoI request is released to the world, not just to the person submitting the request. As such we need to consider how any other individual may use, or misuse, the information if it is placed into the wider public domain. So, whilst the requestor may have a legitimate, and benign, interest in accessing the requested information, we could conclude that the risk that the information could be misunderstood or misused by others is more compelling and thus the information should be withheld .

This Annex sets out the information you have requested and the corresponding reasons for the engagement of: Section 35, Information held by a government department or by the Welsh Government is exempt information if it relates to— (a) the formulation or development of government policy and Section 43(2) – Prejudice to Commercial Interests and our subsequent consideration of the Public Interest Test.

Engagement of Section 35(1)(a) (Government policy) of the Freedom of Information Act

Section 35(1)(a) covers any information relating to the formulation or development of government policy. This exemption is only engaged by information being used in the formulation of government policy.

The information requested has been generated to inform the formulation of government policies with regards to digital health policies.

Welsh Government officials are working with NHS Wales to develop policies for future ministerial decisions yet to be made. Therefore s35(1)(a) exemption is engaged by the information captured by this request.

Public interest arguments in favour of release

There is a strong public interest in the public understanding the ongoing development of our policies in relation to digital transformation and the information underpinning this policy. We also recognise the public interest in making this information available for the sake of greater transparency and openness.

Public interest arguments in favour of withholding

We take the view that section 35(1)(a) is intended to ensure that the possibility of public exposure does not deter from full, candid, and proper deliberation of policy formulation and development, including the exploration of all options.

The withheld information relates to the formulation of digital health policy.

The Welsh Government needs to be able to openly discuss recommendations and assess its feasibility, affordability, and the operational implications in Wales with its partners before advice is drafted and a final decision is made by the Minister on the way forward.

The disclosure of the information requested would have a prejudicial effect on engagement between Ministers, officials, and the NHS as it would remove the secure environment which allows Welsh Government to gather information from partners. Releasing information would inhibit free and frank discussion among officials, which in turn undermines the quality of the policy being formulated. Early disclosure may damage trust between departments or with external stakeholders involved in policy development.

Removing the secure environment in which officials and partners can express views openly could result in advice being less robust. It would be likely to result in a reduction in the frankness and candour of those involved in the process if they believed discussions and other information would be made public.

This could have a detrimental effect on any potential change to the delivery of digital health policies and, in turn, the Welsh Government's implementation of these policies in the future.

In conclusion, it is within the wider public interest to withhold the information related to this request to provide the government with a safe space to consider and form policy and plans to manage digital health policies. The Welsh Government has endeavoured to ensure the organisation is as transparent as possible, through the media, publication of documents, Ministerial Written Statements, and public statements in the Senedd. In so doing, we believe this public interest has been satisfied. Accordingly, the information requested has been withheld under section 35(1)(a) of the Act for the reasons set out above.

Engagement of Section 43(2)

Section 43(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Officials have carefully considered all of the information captured by this request and consider that the information in question should be exempt under Section 43(2) of the Freedom of Information Act.

Section 43(2) is a public interest exemption. This means that in order to withhold information under its provisions, it has to be shown that the public interest in withholding the information outweighs that in releasing it.

The information you have requested includes commercially sensitive information regarding the contracts related to the delivery of digital health programmes, including the scope of work, value of the contract, procurement risk and contract viability. Therefore s43(2) exemption is engaged by the information captured by this request.

Public interest arguments in favour of release

There is a general public interest in the disclosure of information, as greater transparency makes Welsh Government and decision making more open and accountable.

Public interest arguments in favour of withholding

The information being withheld contains market sensitive information, related to digital delivery involving the performance of suppliers, which if released could have a detrimental effect on the commercial interests of the contractor partnership, its commercial standing with suppliers and its ongoing ability to fulfil contractual obligations to provide NHS services.

Releasing the information would have a detrimental impact on the Welsh Government's ability to secure cost-effective contracts via NHS bodies and damage trust in future negotiations and damage the integrity of commercial relationships and continued supplier engagement.

In conclusion whilst recognising that a public interest argument for disclosure on grounds of transparency, we consider that the argument of preventing detrimental damage of the commercial interests of Welsh Government and its suppliers by withholding the information, outweighs that in releasing the information in this instance.

Annex 2

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

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 relates to information about digital health policy, which includes copies of correspondence and meeting notes.

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.