



17 August 2026

Dear

Complaint in respect of ATISN 27156 – Tim Emrallt

I am responding to your email which was received on 20 July 2026, in which you asked us to review the response issued to your request for information under the Freedom of Information Act 2000 (FOIA). This letter is to inform you of the outcome.

In your Freedom of Information request dated 30 June 2026 relating to the service known as Tîm Emrallt, or any Problematic and Harmful Sexual Behaviour (PHSB) service operating within North Wales. You requested any recorded information held by the National Independent Safeguarding Board relating to the service known as Tîm Emrallt, or any Problematic and Harmful Sexual Behaviour (PHSB) service operating within North Wales.

You specially asked for recorded information held by the **National Independent Safeguarding Board** about Tîm Emrallt, or any Problematic and Harmful Sexual Behaviour service in North Wales, including reports, correspondence, governance records, reviews and related documents.

After submitting your original request, you identified publicly available information suggesting that the Welsh Government may hold information relating to Tîm Emrallt, including reports that Integrated Care Fund (ICF) funding supporting its establishment. You therefore asked whether searches had been carried out of records relating to ICF funding, governance, monitoring, and correspondence about Tîm Emrallt, and whether searches had been conducted across all relevant Welsh Government business areas.

We can confirm that appropriate searches were undertaken based solely on the terms of your request and were directed to the National Independent Safeguarding Board, a body that does not commission ICF funded projects.

Using the new information you have provided we have conducted searches and the documents retrieved are attached to this review.

Please accept our apologies. Using “Charities” was a clerical error, and we acknowledge that the correct name of the regulator is the **Charity Commission for England and Wales**. The suggestion to contact the Charity Commission was made solely as a courtesy and as a

possible source of further information. It was not based on recorded information held by the Welsh Government about Tîm Emrallt or any conclusion that it is operated or governed by a registered charity.

Given that Tîm Emrallt was commissioned by Gwynedd Youth Justice Services, you may wish to consider contacting Cyngor Gwynedd, who may be able to assist further.

I have reviewed our response to your FOI request 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. In my view this was a reasonable response, and therefore I do not uphold your complaint.

Using the new information you have provided we have conducted searches and the documents retrieved are attached to this review. However, some of this information has been redacted under Section 41 of the Freedom of Information Act 2000. The information was obtained from a third party in circumstances importing an obligation of confidence. Disclosure would constitute an actionable breach of confidence, and the information is therefore exempt under Section 41 of the Freedom of Information Act 2000.

A rationale for the use of this exemption is provided at **Annex 1** to this letter.

We have also concluded that some of the information requested is exempt from disclosure under the following sections of the Freedom of Information Act:

- Section 40(2) – Personal Information. An explanation of our application of this exemption is set out at **Annex 2**

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

[FOI and EIR complaints | ICO](#)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae

Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)
Email: ask@ombudsman-wales.org.uk

Yours sincerely

Chief Social Care Officer for Wales

Annex 1

Section 41: Information provided in confidence

Section 41 sets out an exemption from the right to know where the information requested was provided to the public authority in confidence and disclosure of the information would give rise to an actionable breach of confidence.

S 41 Information provided in confidence:

(1) Information is exempt information if—

(a) it was obtained by the public authority from any other person (including another public authority), and

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Section 41 is an absolute exemption and is not, therefore, subject to the public interest test. For the purposes of s41(1)(a), I can confirm that the information has been provided to Welsh Government by a third party.

‘Confidential’ is not defined in the Act; it’s a common law concept and the test of confidentiality involves determining whether information was obtained in confidence, whether the information has the necessary ‘quality of confidence’ and whether its disclosure would constitute an actionable breach of confidence. For the purposes of s41 a breach will always be actionable if:

- the information has the necessary quality of confidence;
- the information was imparted in circumstances importing an obligation of confidence; and
- there was an unauthorised use of the information to the detriment of the confider (the element of detriment is not always necessary).

This three stage test is taken from the case of *Coco v Clarke*. For the information in question, the Welsh Government believes it has the necessary ‘quality of confidence’; the information is not otherwise accessible and it is not trivial.

Further, the information was communicated in circumstances importing an obligation of confidence.

The information withheld under section 41 was obtained from the North Wales Regional Partnership Board to support performance and financial reporting for funding made available to the North Wales region. The information was shared as part of these funding requirements and was not intended for wider dissemination.

The Welsh Government considers that the North Wales Regional Partnership Board had a reasonable expectation that such information would be treated in confidence. The information was communicated in circumstances importing an obligation of confidence and retains the necessary quality of confidence. Disclosure would constitute an actionable breach of confidence because consent for disclosure has not been obtained and disclosure would undermine established confidential information-sharing arrangements.

The Welsh Government has considered whether there is a public interest defence that would justify disclosure notwithstanding the duty of confidence. The Welsh Government has concluded that there is not a case for disclosure of information provided in confidence as this would undermine those established information-sharing arrangements and would not materially add to public understanding beyond information already placed in the public domain.

Section 41 is an absolute exemption under the Freedom of Information Act 2000 and is therefore not subject to the public interest test contained within the Act.

Annex 2

Freedom of Information Act 2000: Section 40(2) Personal information about others

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 caught by your request 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 includes some documents which were caught by your request. I have not identified any legitimate interest that you may have in knowing the identities of those individuals named within the emails.

2. Is disclosure necessary?

We do not believe disclosure of the identities of those involved would allow any greater understanding of the content of the documents

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.

I have concluded that there is a reasonable expectation that the identity of the living individuals named in the documents 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.

Documents attached:

DOC 01-20221129 FINAL PUBLISHED VERSION Delivery Report - National Action Plan on Preventing and Responding to Child Sexual Abuse (english)

DOC 02-FOI contribution from CIW colleagues - 4 August 2026

DOC 03-NORTH WALES RIF - Case Studies 2022-23

DOC 04-NORTH WALES RIF - Year End Report - 2022-23 FINAL

DOC 05-NWRPB 2025-26 Q2 SF&C SoC copy

DOC 06-NWRPB 2025-26 Q4 SF&C SoC copy

DOC 07-NWRPB RIF 2024-25 Q4 Tier 1 MoC Report SF&C copy

DOC 08-SF&C 05 - Intensive support for children with complex needs

DOC 09-SF&C 05 - NWRPB RIF PROJECT Investment Proposal

DOC 10-TIM EMRALLT - project information