

17 June 2024

Dear

**Reference - ATISN - 19613**

Thank you for your email of 22 May 2024 requesting the following information:

- a) *In the information provided, there is inconsistency and a lack of clarity regarding the relationship between the doctors engaged to provide services for Kaleidoscope, and Kaleidoscope. Are they ‘visiting GP’s’ or are they employed or sub contracted? The question was raised by HIW, and an index refers to a ‘detailed report on Drs roles/ usage’ Please could you provide me with a copy of the document ‘Detailed report on Doctors Roles/ Usage’*

This information contains third party personal details and in the absence of consent from the individuals referenced, we are unable to release it into the public domain. Doing so could constitute a breach of GDPR and data protection regulations. You will find further information on this exemption below.

- b) *The decision letter sent out on 21st Jan 2015 states there is an ongoing question as to whether the services which are lead by G4S are required to register. These services are funded by Police and Crime Commissioner. You requested a copy of the agreement between G4S and Kaleidoscope. Please could you include any documentation in response to this request, which confirms your decision to extend Kaleidoscope's exemption from requirement to register for HIW to these services, and the legal basis for this decision also.*

We released all documentation that we hold that is captured by the above in response to your original request (ATISN 19502). We conducted a further search of our systems on receipt of ATISN 19613 and we have concluded that we either did not receive anything in response to our decision letter or it is no longer on our systems.

In responding to your request, we have decided that certain information is exempt from disclosure. Our application of the exemption is set out in Annex A to this response.

<b>Information being withheld</b>	<b>Section number and exemption name</b>
Third party personal data in the form of names, contact details, and job roles relating to members of the public.	Section 40(2) of the Freedom of Information Act. Personal data protected by the General Data Protection Regulation and Data Protection Act 2018.

HIW operates within the Welsh Government’s framework for handling Freedom of Information requests. 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](mailto: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 that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

## Annex A

This Annex sets out the reasons for the use of the exemptions as outlined in the response.

### Section 40(2) - Personal Information

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 2018 (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, by reference to an identifier such as a name, an identification number, location data, an online identifier or 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 concerns 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 General Data Protection Regulation (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”*

We believe that the ‘fairly’ and the ‘transparent’ requirements of the above principle would not be satisfied in that any individuals caught by the request would have no reasonable expectation that their personal information would be put into the public domain. Thus, we believe release of this information into the public domain would be unfair and incompatible with the purpose for which the data was originally obtained. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.