

7 February 2024

Dear

## **ATISN 20152 – Betsi Cadwaladr UHB**

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 31 January 2024. You have requested the following:

- 1. In what capacity has Marian Wyn Jones worked with or for Betsi Cadwaladr University Health Board since January 2023?*
- 2. When did/does her position start and finish?*
- 3. How much was/is she paid monthly and in total?*
- 4. From what source was the money paid to her?*
- 5. Who made this appointment?*
- 6. Was this appointment advertised?*
- 7. What is/was the job specification for this post?*
- 8. What documents has she written for/about BCUHB since January 2023?*
- 9. Please provide me with copies of all documents she wrote.*
- 10. What role was/is she playing in the appointment of BCUHB board members.*

## **Our Response**

Question 1 – 9, Welsh Government are not aware of Marian Wyn Jones being employed by Betsi Cadwaladr University Health Board to undertake any work during 2023. Welsh Government have not entered into any agreement with Marian Wyn Jones to support Betsi Cadwaladr University Health Board over the last 12 months.

Question 10, Marian Wyn Jones was the panel member for the Independent Members (IM) recruitment in October 2023 and is also a panel member for the current IM recruitment.

Health Board Chairs select/suggest independent panel members, The requirement is that the individual is independent of Welsh Government and of the appointing body. Health Board Chairs usually use members from other NHS bodies, and Marian Wynn Jones is an independent member on the Digital Health and Care Wales Board.

The agreed daily rate for panel members is £270 per day plus travel allowance. For the recruitment process in October Marian's total claim was £826 (1 day silt, 2 days of interviews and travel to Llandudno Junction).

I have attached emails related to the recruitment – see **annex 1**. We have decided that some of the information caught within these emails is exempt from disclosure

under Section 40 of the Freedom of Information Act. As a result, you will see that this information has been redacted. The reasons for applying this exemption are set out in **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](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,

## **Annex 1**

### **Email 1 (07 Sept 2023)**

**From:** WG Officer 1 <redacted s40(2)>  
**Sent:** Thursday, September 7, 2023 1:18 PM  
**To:** Marian Jones  
**Subject:** FW: IM panel

Hi Marian,

Thank you for agreeing to be on the panel for the IM recruitment process. Can I check whether you are available virtually next Wednesday 13 September 14:00 – 16:00?

Thanks  
WG Officer 1 <redacted s40(2)>

**From:** WG Officer 2 <redacted s40(2)>  
**Sent:** Wednesday, September 6, 2023 12:21 PM  
**To:** Dyfed Edwards (BCUHB - Corporate Office); WG Officer 1 <redacted s40(2)>  
**Cc:** Marian Jones (DHCW - Board)  
**Subject:** RE: IM panel

Diolch Dyfed

I'll be having a meeting with WG Officer 1 tomorrow and we'll discuss some new dates for the sift meeting.

Many thanks to Marian for agreeing to be on the Panel.

WG Officer 2  
<redacted s40(2)>

**Uned Cyrrff Cyhoeddus / Public Bodies Unit**  
Chief Operating Officer's Group/Grwp y Prif Swyddog Gweithredu  
**Llywodraeth Cymru/Welsh Government**

**From:** Dyfed Edwards (BCUHB - Corporate Office)  
**Sent:** Wednesday, September 6, 2023 11:43 AM  
**To:** WG Officer 1 <redacted s40(2)>; WG Officer 2 <redacted s40(2)>  
**Cc:** Marian Jones (DHCW - Board)  
**Subject:** IM panel

Bore da

Marian has very kindly agreed to be part of the above panel and is available on the dates for interview, October 4 and 6

She will of course require a copy of the applications and time to consider before we do the sift. With this in mind, can we please agree on a new date and time for this part of the process?

Diolch yn fawr  
Dyfed

Dyfed Edwards  
Cadeirydd, Bwrdd Iechyd Prifysgol Betsi Cadwaladr  
Chair, Betsi Cadwaladr University Health Board

**Independent Panel Member - Invoice Form**

Please complete the form with the time spent on each activity with reference to the guidance below. Please note the daily rate for IPM work is £270 per day.

Name:  
Campaign:  
Date:  
Signed:

Activity	Days/Half days	Invoicable amount (£)	Comments
Reviewing/scoring applications			
Sift			
Interviews			
Other (if applicable)			
<b>Total</b>			

**Sift** - This should include time spent during the pre-panel meeting, main sift meeting and reviewing any related documentation.  
**Interviews** - This should include time spent during the pre-panel meeting, interviews, final discussion meeting and reviewing any related documentation.  
**Other** - please reference any other time spent here with a note in the comments section.

## Email 2 (11 Sept 2023)

**From:** WG Officer 1 <redacted s40(2)>  
**Sent:** Monday, September 11, 2023 5:39 PM  
**To:** Marian Jones (DHCW - Board)  
**Cc:** WG Officer 2 <redacted s40(2)>  
**Subject:** RE: Betsi Cadwaladr University Health Board - VC - IM - Applications

Hi Marian,

Please find attached Independent Panel Member invoice form, please note that daily rate is £270. Please return completed form to myself.

Kind regards  
WG Officer 1 <redacted s40(2)>

**From:** Marian Jones (DHCW - Board)  
**Sent:** Friday, September 8, 2023 11:09 AM  
**To:** WG Officer 2 <redacted s40(2)>  
**Cc:** WG Officer 1 <redacted s40(2)>  
**Subject:** Re: Betsi Cadwaladr University Health Board - VC - IM - Applications

Diolch WG Officer 2

A couple of points. Could you please confirm how many IM's we are seeking to appoint?  
Also, can I please just check the remuneration process for invoicing for my time?

Many thanks,  
Marian

**From:** WG Officer 2 <redacted s40(2)>  
**Sent:** Friday, September 8, 2023 9:58:34 AM  
**To:** Marian Jones (DHCW - Board)  
**Cc:** WG Officer 1 <redacted s40(2)>  
**Subject:** FW: Betsi Cadwaladr University Health Board - VC - IM - Applications

Good morning Marian

Please find attached application bundle for Independent Members – Betsi Cadwaladr UHB for the sift being held next week.

Also attached are the following:

Sift Guide for Panel members  
Candidate Pack  
Individual sift matrix – this is for your notes only  
Overall sift matrix – this information will be a summary of comments and scores to be submitted to the Minister for Health after the sift meeting

Please let me know if you have any queries although I'm aware that WG Officer 1 is arranging timings etc of the meeting.

Diolch/Thank you

WG Officer 2  
<redacted s40(2)>  
**Uned Cyrrff Cyhoeddus / Public Bodies Unit**  
Chief Operating Officer's Group/Grwp y Prif Swyddog Gweithredu  
**Llywodraeth Cymru/Welsh Government**

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**Email 3 (11 Jan 2024)**

**From:** WG Officer 1 <redacted s40(2)>  
**Sent:** Thursday, January 11, 2024 12:55 PM  
**To:** Marian Jones (DHCW - Board)  
**Subject:** RE: Betsi Cadwaladr UHB appointments

That's great news, I have spoken to Dyfed and he is keen for the shortlisting to take place on Monday – thank you. I will forward you the diary invite now.

Some candidates have specified a role they wish to apply for but for those who haven't, I have attempted to divide them into roles to simplify the sifting process for you. I appreciate there may be some i.e. in the third sector batch that you wish to be considered for the generic role.

If you can hold from 1.30pm on Feb 6 and all day Feb 7 that will be appreciated, again I will forward a diary invite now.

Thanks  
WG Officer 1

**From:** Marian Jones (DHCW - Board)  
**Sent:** Thursday, January 11, 2024 12:34 PM  
**To:** WG Officer 1 <redacted s40(2)>  
**Subject:** RE: Betsi Cadwaladr UHB appointments

Hi WG Officer 1

Happy New Year to you too.  
Thanks for the invite.

I would be happy to support you in this process if we can make the dates work. In terms of the dates for the interviews, I am available from 1.30pm on Feb 6, and all day Feb 7 .  
I would have a couple of hours on the Thursday morning from 11-1pm. But am tied up for the rest of that day.

Next week, I could be available on Monday morning preferably for shortlisting rather than afternoon as I need to travel down to Cardiff at some point. I am away on holiday then until the middle of the following week. I can be free on Wednesday Jan 24 and on Friday 26 until 2pm if you need to look at another date for shortlisting.

Hope that's helpful.  
Kind regards,  
Marian

**From:** WG Officer 1 <redacted s40(2)>  
**Sent:** Monday, January 8, 2024 12:15 PM  
**To:** Marian Jones (DHCW - Board)

**Subject:** Betsi Cadwaladr UHB appointments

**Importance:** High

Hi Marian,

Happy New Year!

You previously assisted us with the recruitment of Board members to Betsi Cadwaladr UHB. We have just advertised for an additional 4 members (generic/finance and third sector) and I wanted to gage your interest in assisting us again – we have received 19 applications in total. We are working to a tight timeline, shortlisting will be next week and interviews scheduled for 6, 7 and 8 February.

Is this something you would be interested in although I appreciate this may be too short notice. We can split the applications by role to make it more manageable if required?

Look forward to hearing from you.

Thanks

WG Officer 1

<redacted s40(2)>

Gweithlu a Busnes Corfforaethol/Workforce and Corporate Business

Yr Adran Iechyd a Gwasanaethau Cymdeithasol / Department for Health and Social Services

Llywodraeth Cymru / Welsh Government

Parc Cathays / Cathays Park

Caerdydd / Cardiff

## **Annex 2**

### **Freedom of Information Act 2000: Section 40(2)**

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 emails 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 draft plan.



**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.