

8 March 2024

Dear

## **ATISN 20102 – Swansea Maternity Services**

Thank you for your email received on 09 February which you were able to clarify your original request (17 January) and has been dealt with under the Freedom of Information Act (2000). You refer to an independent review which Swansea Bay University Health Board announced in December 2023.

You have requested the following:

- 1. All emails, records or documents about the maternity review by Swansea Bay University Health Board within Welsh Government and with outside bodies from 01 December 2023 to 09 February 2024.*

### **Our Response**

1. The information you requested is attached.

Please note that some information that is personal and that may not already be in the public domain has been redacted under Section 40 – Personal Information of the Freedom of Information Act.

An explanation of the use of these exemptions is provided at **Annex 1**.

### **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,

## 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 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 obtaining correspondence in relation to the maternity review by Swansea Bay University Health Board

We have concluded that, in this instance, there is little to be gained from releasing the names of individuals 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.

### Documents attached

"2023-12-08 - Doc 1. External Review Terms of Reference and Handling Plan" (A50806802) v3.0  
"2023-12-08 - Doc 1. External Review Terms of Reference and Handling Plan pdf" (A50939567) v1.0  
"2023-12-08 - Doc 2- SBUHB Maternity and Neonatal Services Meeting - Follow-Up Letter" (A50842984) v3.0  
"2023-12-08 - Doc 2- SBUHB Maternity and Neonatal Services Meeting - Follow-Up Letter pdf" (A50939752) v1.0  
"2023-12-08 - Doc 3- Swansea Bay IQPD - Minutes" (A50843467) v2.0  
"2023-12-08 - Doc 3- Swansea Bay IQPD - Minutes PDF" (A50939804) v1.0  
"2023-12-11 - Doc 4-Additional Briefing - Swansea Bay University Health Board" (A50843501) v2.0  
"2023-12-11 - Doc 4-Additional Briefing - Swansea Bay University Health Board PDF" (A50939890) v1.0  
"2023-12-11 - Doc 5 -Maternity and neonatal services - twelve day plan - for WG needs clarification" (A50853502) v5.0  
"2023-12-11 - Doc 5 -Maternity and neonatal services - twelve day plan - for WG PDF" (A50939953) v1.0  
"2023-12-11 - doc 6-ToR - Maternity Neonatal Review - DRAFT 07.12.2023 v2" (A50853793) v2.0  
"2023-12-11 - doc 6-ToR - Maternity Neonatal Review - DRAFT 07.12.2023 v2 PDF" (A50940133) v1.0  
"2023-12-12 - Doc 7- Lines to take, QA and timeline for oral statement on SB Escalation Status Dec 2023" (A50854582) v2.0  
"2023-12-12 - Doc 7- Lines to take, QA and timeline for oral statement on SB Escalation Status Dec 2023 PDF" (A50940204) v1.0  
"2023-12-12 -Doc 8- Requested Lines" (A50854720) v3.0  
"2023-12-12 -Doc 8- Requested Lines PDF" (A50940427) v1.0  
"2023-12-12 -Doc 9- Swansea Bay Comms Update - Independent Review Announcement" (A50856919) v3.0  
"2023-12-12 -Doc 9- Swansea Bay Comms Update - Independent Review Announcement PDF" (A50940481) v1.0  
"2024-01-04 -Doc 10- Actions following our meeting 21 December 2023" (A50859225) v4.0  
"2024-01-04 -Doc 10- Actions following our meeting 21 December 2023 PDF" (A50940606) v1.0  
"2024-01-09 - Doc 11-Swansea Bay Request for Support for Maternity and Neonatal Review" (A50896462) v5.0  
"2024-01-09 - Doc 11-Swansea Bay Request for Support for Maternity and Neonatal Review PDF" (A50940687) v1.0  
"2024-01-18 - Doc 12-FM Hot Issues - 23 January 2024 - Doc 12-Independent Review of SBUHB Maternity and Neonatal Services - Briefing - S38 EXEMPTION BEING SOUGHT" (A50898180) v1.0  
"2024-01-23 -Doc 13- MSMP update provided on Friday" (A50900247) v2.0  
"2024-01-23 -Doc 13- MSMP update provided on Friday PDF" (A50940829) v1.0  
"2024-01-29 - Doc 14- OFFICIAL SENSITIVE - Additional Briefing - Swansea Bay UHB Independent Review of Maternity and Neonatal Services" (A50900302) v2.0  
"2024-01-29 - Doc 14- OFFICIAL SENSITIVE - Additional Briefing - Swansea Bay UHB Independent Review of Maternity and Neonatal Services pdf" (A50941189) v1.0  
"2024-01-29 - Doc 15-OFFICIAL SENSITIVE - Additional Briefing - Swansea Bay UHB Independent Review of Maternity and Neonatal Services" (A50900625) v2.0  
"2024-01-29 - Doc 15-OFFICIAL SENSITIVE - Additional Briefing - Swansea Bay UHB Independent Review of Maternity and Neonatal Services PDF" (A50941290) v1.0  
"2024-01-29 - Doc 16- OFFICIAL SENSITVE: Additional Briefing" (A50901182) v3.0

"2024-01-29 - Doc 16- OFFICIAL SENSITIVE\_ Additional Briefing PDF" (A50941367) v1.0  
"2024-01-30 - Doc 17- 2.4 Maternity & Neonatal Review Update" (A50901296) v3.0  
"2024-01-30 - Doc 17- 2.4 Maternity & Neonatal Review Update PDF" (A50941620) v1.0  
"2024-01-30 - Doc 18- M and N services independent review FAQ - 31 Jan 2024 - final" (A50901548) v2.0  
"2024-01-30 - Doc 18- M and N services independent review FAQ - 31 Jan 2024 - final PDF" (A50941685) v1.0  
"2024-01-30 - Doc 19- MandN review - Oversight Panel Chair announcement 31 Jan 24 - final" (A50901691) v2.0  
"2024-01-30 - Doc 19- MandN review - Oversight Panel Chair announcement 31 Jan 24 - final PDF" (A50941820) v1.0  
"2024-01-31 - Doc 20-- Informal briefing - Independent maternity and neonatal review - Swansea Bay UHB" (A50906716) v2.0  
"2024-01-31 - Doc 20-- Informal briefing - Independent maternity and neonatal review - Swansea Bay UHB PDF" (A50941910) v1.0  
"2024-01-31 -Doc 21- Informal briefing - Independent maternity and neonatal review - Swansea Bay UHB" (A50906791) v2.1  
"2024-01-31 -Doc 21- Informal briefing - Independent maternity and neonatal review - Swansea Bay UHB pdf" (A50942123) v1.0  
"2024-01-31 -Doc 22- Swansea Bay UHB independent review of maternity and neonatal services duplicate- no need to use" (A50907521) v2.1  
"2024-01-31 -Doc 22- Swansea Bay UHB independent review of maternity and neonatal services duplicate- no need to use PDF" (A50942247) v1.0