

11 December 2025

Dear

Request for Information - ATISN 26391

Thank you for your information requests received on 16 and 17 November 2025 which have been processed as a request for recorded information under the Freedom of Information Act (FoIA).

You asked for the following recorded information:

1. The time of the phone call made on Friday 24th October 2025 between a named Cafcass Cymru Family Court Advisor and the Applicant in your ongoing proceedings;
2. how many complaints have been made about a named Cafcass Cymru Family Court Advisor in the past 12 months.

Our response

1. 13.48.

2. We have concluded the information requested relates to third party personal data and is exempt from disclosure under section 40(2) of the Freedom of Information Act, 2000 (FOIA), as set out below.

When considering whether or not the exemption applies, I have to consider the effect of disclosure in response to a FoIA request. That is, the information is released to the world not just the person making the request. As such, it is the effects of that wider disclosure which needs to be considered.

Freedom of Information Act 2000: Section 40(2)

Section 40(2), of the FOIA, 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 ('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

The Welsh Government recognises there is a legitimate interest in members of the public being assured that an individual employed as a Cafcass Cymru FCA is qualified, experienced and competent to do that job. We also believe there is a legitimate interest in members of the public knowing information at an organisational level with regards to the number of complaints received.

2. Is disclosure necessary?

The information provided below sets out the qualifications and experience necessary to be employed as an FCA. This information is in the public domain and applies to all FCAs. We are satisfied access to this information demonstrates to the public that all FCAs are suitably qualified to undertake their role, but we recognise that complaints are made against individual Cafcass Cymru officers. We accept complaints from users of our service are likely in a role which involves providing advice and recommendations to the court which may favour one party over the other, but we do not consider it necessary to disclose information relating to specific individuals.

We ensure that all FCAs are suitably qualified and competent to undertake their role. To take up appointment, FCAs must have a Diploma in Social Work (or Social Care Wales recognised equivalent) with knowledge and experience of safeguarding children and young people within a statutory sector. They also need to demonstrate they are a registered Social Worker with Social Care Wales or other Care Regulator.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

We recognise there is a wider public interest in knowing individuals are suitably qualified and experienced to carry out their roles. We believe the information as set out above provides this assurance.

We believe the legitimate interest in understanding the relevant qualifications of FCAs is therefore satisfied and there is no reason for disclosing detailed information on any particular individual FCA that would override the interests, fundamental rights and freedoms of the data subject provided by the DPA 2018. Consequentially we believe the rights of the FCA outweigh any wider public interest and disclosure would breach the DPA 2018 and thus the information is exempt from disclosure.

In respect of the number of complaints made against an individual officer, whilst we may hold those details involving the person named in your request, there would be no reasonable expectation this information would be put into the public domain. To release the number of complaints at an individual officer level could have wider repercussions regarding the work undertaken on other cases by those officers. Thus, we believe release of this information would be both unfair so as to breach the first data protection principle and also that the publishing of this information in the public domain would be incompatible with the purpose for which the data was originally obtained.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. 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.

If you are dissatisfied with our 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:

Nigel Brown
Chief Executive
Cafcass Cymru
cafcasscymru@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire

SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

Yours sincerely