

Dear

**ATISN 27002: Request for Information – Newport Children’s Care Home**

Thank you for your request which we received on 20/05/2026.

**Information requested**

You asked for copies of all communications (including but not limited to emails, letters, reports, meeting notes, minutes, memoranda, telephone notes, and any other recorded correspondence) between Care Inspectorate Wales (CIW) and Newport City Council (NCC) (including any NCC officers, departments, or agents) from 1 January 2024 to 20 May 2026 and if held by CIW any communications pre-dating January 2024 if relevant to the following:

- Springfield Bungalow, Catsash Road, Langstone, Newport, NP18 1JJ (or any property at this address)
- Any children's residential care home proposed, planned, or being developed on Catsash Road, Langstone, Newport
- Any registration application, pre-registration enquiry, or registration-related communication from NCC for a children's residential care home at the above address or in the Langstone/Llanwern ward area
- Any property referred to as 'Property B' (or any similar alphanumeric designation) in connection with NCC's Children's Services Eliminate Development Plan or NCC's programme to develop council-run children's residential homes
- NCC's 'Children's Services Eliminate Development Plan' or 'Eliminate agenda' or 'Eliminating Profit' programme generally, insofar as it relates to the acquisition, conversion, registration, or operation of children's residential care homes in Newport
- Any property acquired by NCC for children's residential care purposes in the NP18 postcode area
- Any communications regarding CIW registration requirements, pre-registration inspections, suitability assessments, or Responsible Individual nominations in connection with any of the above
- Any communications regarding NCC's plans, timelines, or progress in establishing new children's residential care homes as part of the Welsh Government's Housing with Care Fund (HCF) programme or the elimination of profit from children's care programme

**Our response**

We have considered your request under the Freedom of Information Act 2000 (FoIA).

We have carried out a search of our records for information which falls within the scope of your request.

Some of the information CIW holds which falls within the scope of your request is enclosed. This is listed below.

We have decided some of the information CIW holds which falls within the scope of your request is exempt from disclosure and is therefore withheld under **Section 40(2): 'Personal data of third parties'** of the FoIA:

The reasons for applying this exemption are set out in full at **Annex 1** to this response.

**Information disclosed and withheld:**

	<b>Information held</b>	<b>Information disclosed</b>
1	Email correspondence between CIW and Newport Council	<b>Information enclosed</b> Personal data of third parties is redacted as this is exempt under FoIA Section 40(2)
2	Information contained within minutes of meetings between CIW and Newport Council	<b>Information enclosed</b> Personal data of third parties is redacted as this is exempt under FoIA Section 40(2)
3	Information contained within an Assurance and Risk Assessment document from Newport Council	<b>Information enclosed</b>
4	Information contained within other documents and correspondence held by CIW	<b>Information withheld</b> FoIA Section 40(2): Personal data of third parties

**Next steps**

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 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

### Application of exemptions/exceptions

The Freedom of information Act and Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold the following information:

Information being withheld	Section number and exemption name
<ul style="list-style-type: none"><li>Personal data about third parties redacted from the information disclosed</li></ul>	<ul style="list-style-type: none"><li>FoIA Section 40(2): Personal data of third parties</li></ul>
<ul style="list-style-type: none"><li>Information contained within other documents and correspondence held by CIW which is the personal data of a third party</li></ul>	<ul style="list-style-type: none"><li>FoIA Section 40(2): Personal data of third parties</li></ul>

### Section 40(2): Personal data of third parties

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**

We recognise there is a legitimate interest in the information requested.

### **2. Is disclosure necessary?**

In respect of the redacted information disclosed. We do not believe it is necessary to disclose identifying information about individual people which is contained within this information as the inclusion of personal data is not necessary to understand the information being released. We therefore believe the legitimate interests identified can be met by the disclosure of the redacted information.

In respect of the information withheld contained within other documents, we recognise disclosure of this information may be necessary to meet the legitimate interest in this information.

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

In respect of the redacted information disclosed. As disclosure of the personal data of third parties contained within this information is not necessary to meet the legitimate interests identified, we consider that any legitimate interests in disclosure of this personal data are outweighed by the fundamental rights or freedoms of those data subjects as they would not reasonably expect that their information would be disclosed to the public.

In respect of the information withheld contained within other documents. This is sensitive information about a person which could identify them. We believe this person could still be identified if the information was disclosed into the public domain, even if their name was redacted. This information is about a confidential matter in relation to this person and CIW have a duty to protect the confidentiality of people involved in such matters. This person would have no expectation their personal data would be disclosed to the public. Having considered the legitimate interest in disclosure of this information against

the fundamental rights and freedoms of the data subject, along with any potential impact of the disclosure of their information, we have concluded the data subject's rights in this instance override the legitimate interests in disclosure.

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.