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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd/Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Tracy Myhill**

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Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 08.09.20

Ein Cyf / Our Ref: 20-G-008 & 20-H-008

01639 648363



FOIA.Requests@wales.nhs.uk

Corporate Services Headquarters

1 Talbot Gateway
Baglan
Port Talbot,
SA12 7BR

Dear

I refer to your two Freedom of Information Act Requests acknowledged by ourselves on 8th July and the 5th August 2020. Your requests sought information relating to the following:

8th July – 20-G-008 – Please provide me with all documents and communication linked to the post reference 130-NMR079-0320 Senior Lead Informatics. You clarified on the 9th July 2020 that you wanted all documentation related to vacancy panel, and all communications made linked to this vacancy both written and electronic from 1st September 2019 to current date.

4th August – 20-H-008 – please provide me with all emails that include the words, "informatics" and "Nurse" to and from Helen Griffiths. Sent between 17th July 2019 and 26th May 2020.

Please note we have combined these two requests, as they relate to similar information as prescribed in Section 12 of FOIA.

Section 12(4) of FOIA (aggregation of related requests) states:

"The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority
(a) by one person, or
(b) by different persons who appear to the public authority to be acting



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

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Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them."

On combining your two requests when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Fees Regulations") can be satisfied.

The two requests which have been received by yourself are within 60 working days of each other fulfilling the criteria at regulations 5(1)(a) and 5(2)(b).

Paragraph 44 and 45 within the Commissioners guidance on requests regarding cost of compliance states:

"Regulation 5(2) of the Fees Regulations requires that the requests which are aggregated relate "to any extent" to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement. A public authority needs to consider each case on its own facts but requests are likely to relate to the same or similar information where, for example, the requestor has expressly linked the requests, or where there is an overarching theme or common thread running between the requests in terms of the nature of the information that has been requested."

The Fees Regulations' wording of "relate, to any extent, to the same or similar information" makes clear that the requested information does not need to be closely linked to be aggregated, only that the requests can be linked and on reviewing your two requests there is a clear link in that they all relate to similar information.

Therefore on a preliminary search of our IM&T systems, we have identified 585 emails potentially in relation to the vacancy Senior Lead Informatics between the periods requested. Also potentially 584 emails containing the words "informatics" and "nurse" sent or received by the above named individual in the time period specified. To verify this information and ensure that the emails do actually contain the words you need would require a manual check of each individual email. We have estimated this would take significantly more time to complete than the 18 hours limit set down by the FOI Act as the reasonable limit. Section 12 of the FOI Act provides that we are not obliged to spend in excess of 18 hours in any sixty day period locating, retrieving and identifying information in order to deal with a request for information and therefore we are withholding this information at this time.

I hope this information is helpful. If you require anything further please contact us at FOIA.Requests@wales.nhs.uk.

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below or register your complaint via FOIA.Requests@wales.nhs.uk.

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office



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(Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone
Number: 029 2067 8400.

Yours sincerely

Pam Wenger

Director of Corporate Governance



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