



Ref: ATISN 22095

11 December 2024

Dear ,

ATISN 22095 – Pandemic Preparedness

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 13 November 2024 relating to pandemic preparedness.

You have requested the following:

- *Copy of all information relating to the recent Pandemic Preparedness Tabletop Exercise and Outcomes as referred to by Mrs. Judith Paget, Chief Executive NHS Wales (part of Welsh Government) in the Covid-19 Inquiry.*

You additionally asked:

- *What Welsh Government have done or are doing to ensure NHS Wales properly sets out information to make a Freedom of Information request about its governmental activities.*

Our Response

The exercises to which Judith Paget referred in her evidence to the Covid-19 Inquiry were run by Public Health Wales. Exercise Cyd took place in March 2024 and was designed to validate the latest version of the Communicable Disease Outbreak Plan for Wales. Exercise Fad Felen took place in September 2024 and was designed to test NHS preparedness to respond to a case of Mpox in Wales. The attached documents relate to these exercises.

We have concluded 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. An explanation of our application of this exemption is set out at the Annex to this letter.

Information on how to submit a freedom of information request to NHS Wales can be found [here](#).

All NHS Wales Health Boards and Trusts together with the general practitioners, dentists, pharmacists, and opticians providing NHS services will have a mechanism in place to respond to requests, and to decide whether the requested information should be released,

or whether any exemptions may apply to the request. They have a statutory duty to provide access to recorded information and have their own web pages to highlight how to contact them. Unfortunately, Welsh Government does not have any jurisdiction over other public bodies with regards to this but should you have any concerns, you can raise them with the Information Commissioner's Office. [FOI and EIR complaints | ICO](#)

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

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

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 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 emails between Welsh Government and the GMC.

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.