



GIG
CYMRU
NHS
WALES

Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust



Gwasanaeth Gwaed Cymru
Welsh Blood Service



Gwasanaeth Canser Felindre
Velindre Cancer Service

Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
Velindre University NHS Trust Headquarters
2 Cwrt Charnwood
Heol Billingsley
Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

Ref: CORP 2024-230

Date: 27th January 2025

Dear xxx

Request for Review – CORP 2024-230

I am writing in respect of your email dated 30th December 2024 in which you requested a review in to the Trust's response for information which you requested on 21st November 2024 in which you requested the following information:

FREEDOM OF INFORMATION REQUEST

To Whom It May Concern,

Please can you supply me with the following information?

Registration number:

Make:

Model:

of all vehicles both owned/leased by your NHS Trust and all vehicles sold between 01/09/2023 and 31/10/2024.

An acknowledgment of this email to avoid multiple requests would be greatly appreciated.

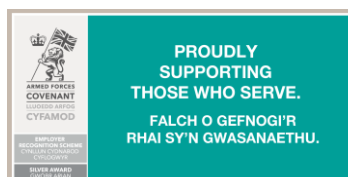
Contact number if you have any questions: 07970371218.

Email: agnewpfanov2021@aol.com

The Trust responded to you on 24th December 2024 providing the vast majority of information requested but redacted the Vehicle Registration Numbers (VRN) on the following grounds:

We are withholding the vehicle registrations under Sections 31(1)(a), Section 38(1)(b) and Section 40 of the Freedom of Information Act. Section 31(1)(a) - the

Mae Ymddiriedolaeth GIG Prifysgol Felindre yn hapus i dderbyn gohebiaeth yn y Gymraeg neu'r Saesneg.
Velindre University NHS Trust is happy to receive communication in Welsh or English.





**GIG
CYMRU
NHS
WALES** | Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust



Gwasanaeth Gwaed Cymru
Welsh Blood Service



Gwasanaeth Canser Felindre
Velindre Cancer Service

Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
Velindre University NHS Trust Headquarters
2 Cwrt Charnwood
Heol Billingsley
Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

prevention or detection of a crime. We believe disclosure would, or would be likely, to allow the possibility of cloning the vehicles registration number.

Section 38(1)(b) – health and safety – would or would be likely to endanger the health and safety of an individual.

Section 40(2)(a) – could be considered personal data where the car is designated to an individual

On 3rd January 2025, I wrote to you informing you that I had been appointed as the Reviewer for your case and that I would conduct a fair and thorough review in to the handling of your request in accordance with Section 45 of the Freedom of Information Act 2000 and the [Freedom of Information Code of Practice \(July 2018\) Section 5 \(Internal Reviews\)](#).

The Review has included a review of the application of Qualified Exemptions where applicable but I stated in my letter to you that the Review may result in applying a different or additional exemption(s) in relation to your original request and the Trusts response of 30th December 2024.

My Review is now complete, my findings are detailed below:

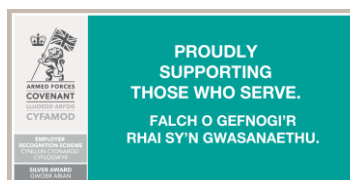
Your request

I reviewed your original request and assessed that it complied with the requirements of Sections 8(1) and (2) of the Freedom of Information Act 2000 in which a request must be responded to where:

(1) In this Act any reference to a “request for information” is a reference to such a request which—

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

Mae Ymddiriedolaeth GIG Prifysgol Felindre yn hapus i dderbyn gohebiaeth yn y Gymraeg neu’r Saesneg.
Velindre University NHS Trust is happy to receive communication in Welsh or English.





Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust



Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
Velindre University NHS Trust Headquarters
2 Cwrt Charnwood
Heol Billingsley
Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

(2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

Review of Applied Exemptions

In terms of the request itself, as previously stated, the Trust applied the following Exemptions:

- Section 31(1)(a) – Law Enforcement
- Section 38(1)(b) – Health and Safety
- Section 40(2)(a) – Personal Data

In my assessment I have considered Sections 31(1)(a) and 40(2)(a) only and these are for specific reasons which are set out further below.

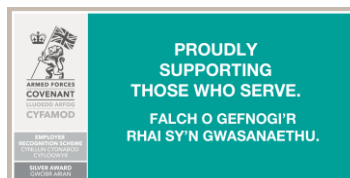
Section 31(1)(a) – Law Enforcement

The Trust in its letter to you on 24th December 2024 applied Section 31(1)(a) which states:

*“Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice —
(a) the prevention or detection of crime.”*

In its decision to apply the Exemption that Trust at the time assessed that as Section 31 is a prejudice-based Exemption, the Trust considered whether it could rely on that Exemption by assessing whether the information if released would or would not cause harm. In conducting its assessment, the Trust considered:

Mae Ymddiriedolaeth GIG Prifysgol Felindre yn hapus i dderbyn gohebiaeth yn y Gymraeg neu’r Saesneg.
Velindre University NHS Trust is happy to receive communication in Welsh or English.





GIG
CYMRU
NHS
WALES

Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust



Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
Velindre University NHS Trust Headquarters
2 Cwrt Charnwood
Heol Billingsley
Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

- Which law enforcement interests, protected by section 31, could be harmed by the disclosure?
- Is the harm that was identified real, actual or of substance and is there a causal link between disclosure and that harm?
- What is the likelihood of that harm actually occurring: would it occur, or is it only likely to occur?

In addition the Trust considered whether the requested information could cause harm on its own, or if pieced together with other information would be likely to form a broader picture. This broader picture is known as the mosaic effect. In addition to the consideration of the mosaic effect, the Trust assessed whether it would or could be required to investigate crime on its own, in respect of this particular element, the Trust assessed that it would not.

In addition to the activity above the Trust also consideration as to whether the release of the information would be likely to make the Trust itself more vulnerable to crime. I have explored that element at the end of the section below.

In conducting its overall assessment the Trust considered Decision Notices issued by the Information Commissioner, specifically; Decision Notice FS50793373.

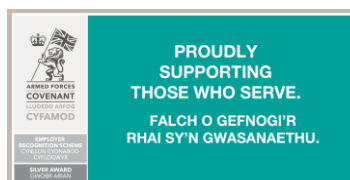
Decision Notice FS50793373 considered Section 40(2)(a) and Section 31(1)(a) respectively but did not provide a view of the applicability of Section 31(1)(a) because the Information Commissioner was of the view that it was ultimately not required as Personal Data (Section 40(2)(a)) had also been asked for and because Section 40(2)(a) is an Absolute Exemption and was correctly applied that it did not need to consider any further applied Qualified Exemptions.

Therefore in order to assess the applicability of the Qualified Exemptions of Section 31(1)(a) Section 38(1) I first assessed whether the Absolute Exemption of Section 40(2)(a) was correctly applied by the Trust or not.

Section 40(2)(a) – Personal Data

Section 40(2)(a) (Personal Data) is an Absolute Exemption which may be applied where a request is made for Personal Data about an individual who is not the requester. The Act states:

Mae Ymddiriedolaeth GIG Prifysgol Felindre yn hapus i dderbyn gohebiaeth yn y Gymraeg neu'r Saesneg.
Velindre University NHS Trust is happy to receive communication in Welsh or English.





**GIG
CYMRU
NHS
WALES** | Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust



Gwasanaeth Gwaed Cymru
Welsh Blood Service



Gwasanaeth Canser Felindre
Velindre Cancer Service

Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
Velindre University NHS Trust Headquarters
2 Cwrt Charnwood
Heol Billingsley
Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

40 **Personal information.**

(1) *Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.*

(2) *Any information to which a request for information relates is also exempt information if—*

(a) it constitutes personal data which does not fall within subsection

(1)

An Absolute Exemption is able to be applied and no further balancing test nor prejudice test is required by Public Authorities if it is correctly engaged.

In respect of the consideration of Section 40(2) within Decision Notice FS50793373 it states:

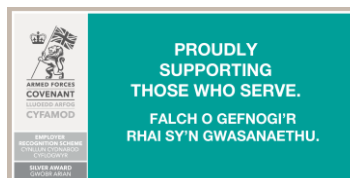
“Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.”

It means that should there be any road traffic offence, accident or other type of incident that the driver of the vehicle would be individually identifiable within the Trust and such events could therefore have a significant impact on them personally.

In terms of whether a Vehicle registration is considered personal data as defined in Section 40(2) and UK GDPR Article 4(1), paragraph 21 and 22 of Decision Notice FS50793373 state:

The licensing of hackney carriages is governed by the Town Police Clauses Act 1847 (“the 1847 Act”), section 42 of which requires councils to maintain ‘a book’ containing the name and address of the vehicle proprietor, the granted licence number and any convictions in respect of the proprietor or driver, and to open this to public inspection. For private hire vehicles, section 51(3) of the Local Government

Mae Ymddiriedolaeth GIG Prifysgol Felindre yn hapus i dderbyn gohebiaeth yn y Gymraeg neu’r Saesneg.
Velindre University NHS Trust is happy to receive communication in Welsh or English.





**GIG
CYMRU
NHS
WALES** | Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust



Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
Velindre University NHS Trust Headquarters
2 Cwrt Charnwood
Heol Billingsley
Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

(Miscellaneous Provisions) Act 1976 (“the 1976 Act”) requires local authorities to maintain ‘a register’ of driver’s licensed to drive private hire vehicles with the name of the driver, the granted licence period and the licence number, and to keep the register available at its principal offices for inspection by members of the public.

Neither of these acts requires that VRM data is published in the register by local authorities, however, the council processes VRM information, together with the information required for the ‘book’ (1847 Act) or ‘register’ (1976 Act), in order to identify either the driver or registered keeper, or both, and verify that the tax, MOT and insurance correspond with the licensed vehicle.

The Trust similarly keeps data on the vehicles it uses and the drivers who drive those vehicles.

Decision

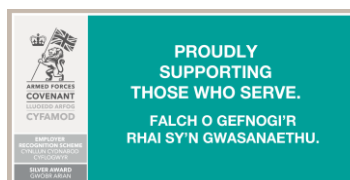
The VRN of each vehicle used by the Trust constitutes Personal Data as defined in Section 40(2)(a) of the Act, Article 4(1)(UK GDPR) and Decision Notice FS50793373. The Review found that the Trust applied the Absolute Exemption Section 40(2)(a) correctly.

However, whilst the correct application of Section 40(2)(a) would mean that any assessment of Section 31(1)(a) was not required. For the purposes of clarity and in order to provide a rounded approach to you, the Review further considered the applicability of Section 31(1)(a) and found that the release for Vehicle Registration Numbers would be likely to make the Trust more vulnerable to crime and even more so, were the data to be combined and presented with other information about the vehicle in question.

Examples of such crime could be vehicle registration cloning with the consequent impact on drivers employed by the Trust who would or could be driving the legitimate vehicle lawfully where there would or could be a subsequent significant impact on them which could result in harm. The Review found that the Trust’s decision to engage 31(1)(a) in redacting information pertaining to VRN’s was applied correctly.

However, in keeping with the ICO’s assessment in Decision Notice FS50793373 and having fully reviewed the application of Absolute Exemption under Section 40(2)(a) and provided

Mae Ymddiriedolaeth GIG Prifysgol Felindre yn hapus i dderbyn gohebiaeth yn y Gymraeg neu’r Saesneg.
Velindre University NHS Trust is happy to receive communication in Welsh or English.





Ymddiriedolaeth GIG
Prifysgol Felindre
Velindre University
NHS Trust



Pencadlys Ymddiriedolaeth GIG Prifysgol Felindre
Velindre University NHS Trust Headquarters
2 Cwrt Charnwood
Heol Billingsley
Parc Nantgarw
Caerdydd/Cardiff
CF15 7QZ

Ffôn/Phone : (029) 20196161

<https://velindre.nhs.wales>

an overview of the correct application of Section 31(1)(a) there is no requirement for the Review to consider the applicability of Section 38(1).

The engagement of Section 38(1) by the Trust is therefore deemed unnecessary and is withdrawn. This is because the Review found that Sections 40(2)(a) and 31(1)(a) were applied correctly, meaning that Section 38(1) was not needed.

I have now concluded my Review and should you be unhappy with how the Trust has responded to your request for Review or wish to make a complaint, you have the right to complain to the Information Commissioners Office and you can contact them at:

Information Commissioner's Office - Wales
2nd Floor,
Churchill House,
Churchill Way,
Cardiff,
CF10 2HH
Telephone: 0330 414 6421
email: wales@ico.org.uk
<https://ico.org.uk/about-the-ico/who-we-are/wales-office/>

Yours sincerely,



Ian Bevan
Head of Information Governance
Velindre University NHS Trust

Mae Ymddiriedolaeth GIG Prifysgol Felindre yn hapus i dderbyn gohebiaeth yn y Gymraeg neu'r Saesneg.
Velindre University NHS Trust is happy to receive communication in Welsh or English.

