

<b>Reference:</b>	FOI.12814.23
<b>Subject:</b>	Public Interest Disclosure Act (PIDA) employment disputes
<b>Date of Request:</b>	6 October 2023

**Requested:**

Question 1:

- a) Please state the total number of employment tribunals/disputes brought under the Public Interest Disclosure Act defended by your Board since April 2012.
- b) If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 1.a.

Question 2:

- a) Please state the total paid out in legal fees (including legal advice) by your Board defending employment tribunals/disputes brought under the Public Interest Disclosure Act since April 2012.
- b) If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 2.a.

Question 3:

- a) Please state the total amount spent on the individual employment tribunal/dispute brought under the Public Interest Disclosure Act defended by your Board, which cost your Board the highest sum in legal fees, since April 2012.

Question 4:

- a) Please state the total number of employment tribunals/disputes brought under the Public Interest Disclosure Act defended by your Board, which resulted in the use of a Non-Disclosure Agreement ('NDA' or 'confidentially clause'), since April 2012.
- b) If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 4.a.

**Response:**

1. Hywel Dda University Health Board (UHB) is unable to provide you with the number of employment tribunal cases/disputes brought under the PIDA since 2012 due to the low numbers of cases (less than 5), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the Freedom of Information Act (FoIA). This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

2. & 3. The UHB is unable to provide the information requested as it is not held in this format. Claims brought under the PIDA were part of multiple claim headings which are unable to be separated into individual claim elements.

4. a. The UHB is unable to provide you with the number of employment tribunals/disputes brought under the PIDA, which resulted in the use of an NDA, since 2012 due to the low numbers of cases (less than 5), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the FoIA. This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

4. b. The UHB is unable to provide the information requested as it is not held in this format. Claims brought under the PIDA were part of multiple claim headings which are unable to be separated into individual claim elements.