



Date issued: 10 October 2016

Disclosure log – ET1 Information

Further to my email of 3 October 2016, I am now in a position to respond to your request for information of 1 October 2016, which was:

Please advise since April 2010:

- 1) How many ET1 claim forms (or excerpts and information related to the claims) for whistleblowing detriment under the Public Interest Disclosure Act has the Auditor General for Wales received from the Employment Tribunal?**
- 2) Please advise if the Auditor General for Wales holds data on the action that he or his department took in response to these notifications by the Employment Tribunal.**
- 3) Please give a breakdown of the number of ET1 claim forms (or excerpts and information related to the claims) received by each financial year.**
- 4) Please give a list of the bodies to which these PIDA claims relate, and the number and (if practicable) the nature of ET1s received about each organisation, broken down by financial year.**
- 5) Has the the Auditor General for Wales or his department undertaken any analysis of the ET1 intelligence that it has received from Employment Tribunals since April 2010? If so, please disclose all reports and or correspondence that give the details and results of the analysis/analyses.**

My response to each of your questions is as follows:

1. We have received three ET1 forms.
2. Please see the answer to [question 4](#).
3. Zero in 2010-11, 2011-12, 2012-13 and 2013-14. One in 2014-15.
Two in 2015-16.
4. The case received in 2014-15 related to a charity and had only tangential relevance to our remit. We referred the concerns to another body, and wrote to HM Courts and Tribunals informing of this and also suggesting a more relevant prescribed person (Charity Commission) to consider the matter. The first case received in 2015-16 was referred to us on the basis that we have oversight of the body in question, which was not the case so no further action was taken. The second case we received in 2015-

16 was outside our remit as it was an individual employment matter (grievance) – we wrote to HM Courts and Tribunals Service informing them of this. We hold information as to which bodies these PIDA claims relate, as well as further information regarding the nature of the ET1s received, but I am withholding it for the following reason:

- we deal with whistleblowing matters in confidence as far as the law allows. Because of the low volume of ET1s we have received, I consider that there is a risk that an individual could be identifiable with the aid of information that may be available from other sources. As such, there is a risk of inadvertent disclosure and the unfair processing of personal information. Therefore, the information falls within the personal information exemption provided by section 40(2) of the Freedom of Information Act, which is an absolute exemption. The exemption applies because disclosure would breach the data protection principles of the Data Protection Act 1998.

5. No – information not held.

If you wish to complain about my handling of your request, please email or write to me.

I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

email: casework@ico.gsi.gov.uk

Tel: 01625 545745

Fax: 01625 524510

You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the [Information Commissioner's website](#).

If you have any queries, please do not hesitate to contact me.

Yours sincerely