

21 June 2016

FOI 16-010 & 011 Compensation Claims

REQUEST FOR INFORMATION – *Information relating compensation claims*

Thank you for your request for information under the Freedom of Information Act 2000 (“FOIA”). As Museum Secretary for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your email of 13 May 2016, in which you asked for the following information:

Under the Freedom of Information Act can you tell me, for each of the museums you run, how many compensation claims you have dealt with between the dates January 1, 2015 to December 31, 2015, January 1, 2014 to December 31, 2014, January 1, 2013 to December 31, 2013.

Can you give details of the claim, including the amount paid out in compensation and the amount of legal costs, incident details, location and date it occurred.

In your email of 10 June 2016 you clarified this as being

All compensation claims for injuries sustained whether they were successful or not.

RESPONSE

We have set out our response to your questions in the tables below. These are for claims that are now closed. You will see that some of the information requested is withheld. The exemption relied upon in relation to the withheld information is s.40(2) of FOIA and our reasons are set out in the narrative that follows.

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Reference Period	No. of Claims Dealt with (including	Damages Paid Out	Location of incidents	Legal Costs Incurred over and
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	unsuccessful claims)			above Annual Subscription to Insurer
1.1.2013-31.12.2013	8	£11,962	7 – St Fagans National History Museum 1 - Big Pit National Coal Museum	£7,445.50
1.1.2014-31.12.14	4	£2,374.53	4 – St Fagans National History Museum	£2,173.38
1.1.2015-31.12.2015	3	£0	2 – Big Pit National Coal Museum 1 – St Fagans National History Museum	£0

Exemptions applied

We consider that the remaining information requested, namely details of the claim, incident details, individual compensation amounts and specific dates of accidents are withheld on the basis that the following exemption applies:

40(2) – Third Party Personal Data

Information is exempt from disclosure under this section if it amounts to personal data, the disclosure of which would breach any of the data protection principles contained within the Data Protection Act 1998 (“DPA”).

We consider that provision of the withheld data could enable living individuals to be identified from those data or from those data and other information which is in the possession of, or is likely to come into the possession of the data controller. Members of the public, in particular employees of the Museum and/or people present when the incidents occurred and/or friends and family members of the claimants, could potentially identify some of the claimants from the data which has been withheld.

Furthermore, some of the withheld data, namely, provision of the incident details, would amount to provision of sensitive personal data because in each case the claimant suffered some sort of injury which would amount to information as to each claimant’s physical or mental health.

Having considered the data protection principles, we consider that disclosure of the withheld information would breach the first data protection principle in that it would not be fair and lawful to disclose the information. We consider that individuals who bring claims for personal injury against the Museum would reasonably expect that the Museum would not disclose the nature of the incidents and any monies paid in compensation or the lack of a compensation payment to be disclosed to the public. The consequences of disclosing this information, particularly where it relates to the provision of information regarding their physical health and details of financial payments received in light of incidents impacting on their health could clearly be distressing to the individuals concerned. In our view such a disclosure would represent a clear infringement into areas of their lives which they consider to be of a strictly personal and private nature.

Further and in the alternative we do not consider that any of the conditions set out in schedule 2 and 3 to the DPA are satisfied.

For these reasons we consider that the withheld data is exempt from disclosure under s.40(2) of FOIA.

We can however confirm that the additional information requested is held by the Museum.

We have however, provided you with annual figures of compensation and legal fees incurred. We consider that these global figures would satisfy any public interest there may be in disclosing information about the use of public funds in settling personal injury claims.

Your request was considered according to the principles set out in the National Assembly's Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first-stage review. If, after that, you are still not satisfied you may request a formal review by Amgueddfa Cymru. When dealing with any concerns, we will follow the principles of the National Museum of Wales's Code of Practice on Complaints, which is available on our website at <https://museum.wales/freedom-of-information/publications-scheme/> or by post from:

Mr. Neil Wicks
Director of Finance and Corporate Resources
Amgueddfa Cymru – National Museum Wales

Cathays Park
Cardiff
CF10 3NP

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

I apologise that Amgueddfa Cymru cannot assist you with your request but if you have any further queries or concerns then please contact me via my email address.

Yours sincerely

Elaine Cabuts
Museum Secretary