

Swyddfa'r Prif Weinidog a Swyddfa'r Cabinet

Office of the First Minister and Cabinet Office



Llywodraeth Cymru
Welsh Government

Our ref: ATISN10719

Date: 28 September 2016

Dear ,

Request for Information – ATISN reference 10719

Thank you for your request which was received by the Welsh Government on 2 September 2016. You asked for the following information:

All telephone records (landline and mobile) for the Cabinet Secretary for Economy and Infrastructure, Ken Skates AM.

The Welsh Government does not hold information on landline calls.

The mobile phone records held are contained within the accompanying PDF document.

I have concluded that some of the information you have requested is exempt under Section 40(2) of the Freedom of Information Act (2000) – personal information about others. Specifically, this is the telephone numbers called. I have set out at Annex 1 to this letter, my reasons for redacting this information. Whilst the personal elements of telephone numbers have been redacted, telephone codes remain in the released information.

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: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.



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CF10 3NQ

CentralDepartments-FOI/DP@wales.gsi.gov.uk
Gwefan • website: www.cymru.gov.uk

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 1

Section 40(2) Personal Information

Section 40(2) of the FOIA requires third party personal data to be withheld in circumstances where its disclosure would breach any of the data protection principles set out in Schedule 1 of the Data Protection Act 1998 (DPA).

We consider that disclosure of personal data in the form of telephone numbers would breach the first data protection principle. The first data protection principle requires that processing of personal data must be fair and lawful and, in particular, that it should not be processed unless one of the conditions set out in Schedule 2 of the DPA is met.

In determining whether disclosure of telephone numbers would contravene the first data protection principle, we have considered whether disclosure would amount to the fair and lawful processing of the personal data of those individuals to whom the telephone numbers relate.

Some or all of the individuals concerned will not have public facing roles. We consider that those individuals would be under the reasonable expectation that their information would remain confidential and not be disclosed to the public at large.

As such, we do not consider that disclosure of the redacted personal data would be fair. Guidance from the Information Commissioner's Office (Personal information (section 40 and regulation 13) v1.0) states:

"The public authority must decidewhether it would be fair to disclose the personal data. If the public authority concludes that it would not be fair, then it must not disclose the information in response to the FOIA request".

In this instance, because the individuals would have had no expectation that their personal data would be released into the public domain, we believe that release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under section 40(2) of the FOIA. This is an absolute exemption and not subject to the public interest tests.