Yr Adran am Ynni, Cynllunio a Materion Gwledig Department for Energy, Planning and Rural Affairs



13 February 2018		
Dear	,	

ATISN 11955 sheep annual inventory figures

Thank you for your request which I received on 22 January 2018. You asked for:

 The annual stock numbers registered to EIDCymru on the 1st January 2015, 1st January 2016 and 1st January 2017 (Article 27 of the sheep and goats(records, Identification and Movement) (Wales) order 2015) by the registered keeper at Glanrhyd, Arddleen Road, Guilsfield, Welshpool, Powys SY21 9PR.

EIDCymru hold the information requested for Glanrhyd, I have decided that the information described is exempt from disclosure under section 40(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex A to this letter.

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.

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

Gwefan • website: www.wales.gov.uk

Annex: Section 40 (2) - Personal Information

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
The annual stock numbers registered to	Section 40 (2) – Personal data exempt from
EIDCymru on the 1st January 2015, 1st	disclosure
January 2016 and 1st January 2017 (Article	
27 of the sheep and goats(records,	
Identification and Movement) (Wales) order	
2015) by the registered keeper at Glanrhyd,	
Arddleen Road, Guilsfield, Welshpool,	
Powys SY21 9PR.	

Section 40(2) - Personal data exempt from disclosure

Section 40(2) of 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).

The request relates to a specific address that is both the business address of a farm and a personal address of the farmer. The name and address of the owner of this property is information that is already available in the public domain.

The DPA defines personal information to be information about any living individual, and for these purposes, the name of the resident at the above address is personal information, although it is not itself sensitive personal information.

However any data that can be linked to the identity of a living individual is also personal data about that individual, even if it is necessary to use other data in the public domain to provide that linkage. As such, the stock numbers registered to EIDCymru on those dates, which can be linked to an individual, are also personal data.

I have consulted with the individual at this property about release of the data and they have made representations that it should not be released because registered stock numbers can be used to calculate an estimate of equity and from that an estimate of annual income of that individual. Such information would be considered sensitive if not already in the public domain, and I am satisfied that it is not so.

Release under FOI is not release to an individual but release to the whole world. The information, therefore, if released, would be personal information from which income could be calculated, published to the world at large.

In consultation, it is also clear that the individual who has supplied data to Welsh Government did so with a clear expectation that it would be used for the stated purposes but not released into the public domain. This being the case, I am of the opinion that release of the requested information, without the consent of the affected party, would constitute unfair processing of the personal data.

I consider that disclosure of this personal data 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.

Guidance from the Information Commissioner's Office (Personal information (section 40 and regulation 13) v1.0) states:

"The public authority must decide......whether 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, I 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 Freedom of Information Act. This is an absolute exemption and not subject to public interest tests.