

Swyddfa'r Prif Weinidog a Swyddfa'r Cabinet

Office of the First Minister and Cabinet Office



Llywodraeth Cymru
Welsh Government

Date: 19 February 2018

Dear ,

Requests for Information – ATISN reference 11927, 28, 30, 31, 32, 38

Thank you for your requests which were received by the Welsh Government on 22 and 23 January 2018.

In response to your requests (which I have set out at Annex 1), I have determined that to provide the information would cost more than the appropriate limit, which is £600 for central government - my reasons for doing so are also set out at Annex 1. However, we may be able to reconsider your request if you were more specific about the information you require.

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

Annex 1

ATISN 11927

All briefing documents and 'lines to take' style material prepared since 30 October 2017 by Welsh Government Press Office and/or Special Advisers and distributed to the First Minister, Cabinet Secretaries and Ministers that refer to Carl Sargeant and/or the 3 November 2017 re-shuffle and/or the various independent inquiries that have been established since.

ATISN 11928

All emails, SMS text messages, WhatsApp messages and any other communication between Welsh Government Press Office and/or Special Advisers and/or the Private Office of the First Minister and/or the Private Office of the Cabinet Secretary for Finance, Mark Drakeford and producers and journalists of the BBC Wales Sunday Politics show between 3 November 2017 and 8 November 2017.

ATISN 11930

In light of the Information Commissioner's determination contained within his Decision Notice of 1 March 2012 that Government and Special Adviser communication using private / personal electronic accounts, is captured by the Freedom of Information Act and therefore deemed to be Government business, I wish to make the following request:

Please provide copies of all correspondence (both sent and received) exchanged between the First Minister and/or Special Advisers and Cathy Owens since 1 January 2017, via the following methods of communication:

- a) all private and personal email accounts;*
- b) SMS texts via all personal mobile phones and other devices (including laptops and tablets); and*
- c) Messages sent and received via all personal mobile phones and other devices (including laptops and tablets) using encrypted messaging apps such as WhatsApp and Telegram.*

Please provide all the requested information listed and clearly marked to the corresponding name of the First Minister and/or Special Adviser concerned.

ATISN 11931

In light of the Information Commissioner's determination contained within his Decision Notice of 1 March 2012 that Government and Special Adviser communication using private / personal electronic accounts, is captured by the Freedom of Information Act and therefore deemed to be Government business, I wish to make the following request:

Please provide copies of all correspondence (both sent and received) exchanged between the First Minister and/or Special Advisers and Jo Kiernan since 1 June 2017, via the following methods of communication:

- a) all private and personal email accounts;*
- b) SMS texts via all personal mobile phones and other devices (including laptops and tablets); and*
- c) Messages sent and received via all personal mobile phones and other devices (including laptops and tablets) using encrypted messaging apps such as WhatsApp and Telegram.*

Please provide all the requested information listed and clearly marked to the corresponding name of the First Minister and/or Special Adviser concerned.

ATISN 11932

In light of the Information Commissioner's determination contained within his Decision Notice of 1 March 2012 that Government and Special Adviser communication using private / personal electronic accounts, is captured by the Freedom of Information Act and therefore deemed to be Government business, I wish to make the following request:

Please provide copies of all correspondence (both sent and received) exchanged between the First Minister and/or Special Advisers and Cerys Furlong since 1 June 2017, via the following methods of communication:

- a) all private and personal email accounts;*
- b) SMS texts via all personal mobile phones and other devices (including laptops and tablets); and*
- c) Messages sent and received via all personal mobile phones and other devices (including laptops and tablets) using encrypted messaging apps such as WhatsApp and Telegram.*

Please provide all the requested information listed and clearly marked to the corresponding name of the First Minister and/or Special Adviser concerned.

ATISN 11938

Please provide copies of all correspondence - emails and text messages (both sent and received) between 1 June 2017 to 31 December 2017, exchanged between the First Minister's Private Office and/or Special Advisers and/or Welsh Government Press Office and Llamau and/or individuals representing Llamau.

Summary

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 allow a public authority to aggregate requests for the purposes of calculating the appropriate limit where they are made:

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

Where they are, the Regulations state that the estimated cost of complying with any of the requests is to be taken to be the total costs of complying with all of them. This applies in circumstances in which—

(a) the two or more requests relate, to any extent, to the same or similar information, and

(b) those requests are received by the public authority within any period of sixty consecutive working days.

I consider that both sections a) above have been satisfied, as the requests are all from the same person and they all relate to the same or similar information.

Therefore, in calculating the appropriate limit I have aggregated each request above and the combined total time to locate the information would be 70.83hrs, more than the 24hrs set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

In conclusion, I have determined that to provide the information requested in relation to these combined requests would cost more than the appropriate limit, which is £600 for central government, so I am refusing your requests on this basis.