



Our ref: ATISN 12929
Date: 27 February 2019

Dear ,

Request for Information ATISN 12929

Thank you for your requests received on 29 January 2019, which we have combined as they are similar in nature.

You asked for:

Details of any meetings with a Cabinet Secretary at Ty Hywel where a professional lobbyist from either Positif Politics or Deryn were present. This is for the time period between 1st of January 2018 and the 31st of July 2018.

I request the names of any lobbyists from a professional lobbying company who have attended meetings with Cabinet Secretaries at Ty Hywel. This covers the period from the 1st of January to the 31st of July

In relation to the first point, I can confirm that an individual who may work for Positif Politics was present at a meeting held by the former Cabinet Secretary for Economy and Transport on 26 June 2018.

Details of this meeting are available on the Welsh Government website and can be accessed at the following link: https://beta.gov.wales/sites/default/files/publications/2018-10/ministerial-meetings-engagements-apr-jun-2018_0.ods.

The individual in question had not been invited to the meeting, but arrived with other scheduled attendees.

Details of the individual concerned have been withheld under Section 40 of the Freedom of Information Act – personal information and an explanation of the application of this exemption is attached at Annex A.

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: Freedom.ofinformation@gov.wales

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

Section 40 (2) – personal information

Section 40(2) of the Freedom of Information Act 2000 (“FOIA”) sets out an exemption from the right to know if the information requested is personal information of someone other than the requester and is protected by the Data Protection Act 2018 (“DPA”) or the General Data Protection Regulation (“GDPR”).

Personal data is defined in Section 3(2) of the DPA as:

“Personal data” means any information relating to an identified or identifiable living individual.

Information within scope of this request is exempt under Section 40(2) of the FOIA. Personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the General Data Protection Regulation (GDPR) and section 34(1) DPA. We consider the principle being most relevant in this instance as being the first.

The first GPDR principle.

This states:

.....that personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to the data subject;

I consider that the information requested falls within the description of personal data as defined by the DPA and that its disclosure would breach the first data protection principle. Guidance from the Information Commissioner’s Office (Personal information (section 40 and regulation 13) v 1.4) states:

If disclosure would not be fair, then the information is exempt from disclosure.

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

“The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. (paragraph 63).

It is my view that release of the information held in scope of this request would be unfair and so breach the first data protection principle – there would be no expectation on data subjects that their personal details about attendance at a meeting with a Minister would be placed into the public domain. For that reason, the information should be withheld under section 40(2) FOIA. This is an absolute exemption and not subject to the public interest tests.

