



25 April 2019

Dear ,

**ATISN 13082: Discussions with Public Policy Institute for Wales and Wales Centre for Public Policy**

Thank you for your request which I received on 26 March and your clarification email of 5 April. I understand your request to be:

all correspondence, details of meetings, phone calls/texts and minutes from meetings between Public Policy Institute for Wales and Wales Centre for Public Policy and the Welsh Government regarding the report 'Parental Physical Punishment: Child Outcomes and Attitudes' covering the period 1 October 2017 to 30 April 2018.

You have clarified that the information you require is the same as that originally requested by Mr Thompson, and within the same timeframe (ATISN 12692).

I have considered if this request captures any new information, and no new information was found. For clarity the information released under ATISN 12692 can be accessed on the Welsh Government website at the following link. <https://gov.wales/public-policy-institute-wales-report-discussions>. As this information is reasonably accessible by other means it is exempt from disclosure under section 21 of the Freedom of Information Act.

I have decided that the previous information that was considered exempt from disclosure under Section 40(2) of the Freedom of Information Act for response ATISN 12692, remains valid and therefore remains withheld. The reasons for applying these exemptions are set out full in Annex A to this letter.

However, In order to assist you with your enquiries we will carry out a search for further information held, regarding contact between the Welsh Government and Public Policy Institute for Wales and Wales Centre for Public Policy about 'Parental Physical Punishment: Child Outcomes and Attitudes' report, from August 2016 when the report was

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

commissioned the period prior to the timescales stipulated in your request.. I will collate and review the documentation held by the Welsh Government and will provide this information to you by xx May 2019

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](mailto: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

## Annex A: Information withheld for FOI request ATISN 13082

Information being withheld	Section number and exemption name
Personal information relating to the civil servants who sent emails from the Welsh Government to non-governmental organisations or third parties, including personal information contained within those emails.	Section 40(2) of the Freedom of Information Act. Personal data protected by the Data Protection Act 2018 (DPA). Personal data is defined in Section 1(1) of the DPA.

Section 40(2) of the Freedom of Information Act (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).

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*

We have concluded that, in this instance, the information amounts to the personal data of others than the person submitting the request.

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 Regulations (GDPR). We consider the principle being most relevant in this instance as being the first.

### **The first GDPR principle.**

This states:

*.....that personal data shall be:*

*a) processed lawfully, fairly and in a transparent manner in relation to individuals;*

We consider that the information highlighted 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).*

In this instance, we believe the data subjects have no expectation that their personal information would be made public. These are junior members of staff, simply going about their daily business, and would have had no expectation that their personal information would be made public. Furthermore, we recognise there continues to be differing views on, and strong feelings about, the legislative proposals to remove the defence of reasonable punishment and that there is potential that individuals could be targeted by anonymous third

parties on social media platforms. It would be unfair to open individuals to online abuse or bullying for simply carrying out their normal duties

Thus, we believe release of this information remains unfair and so breach the first data protection principle. For that reason, the information continues to be withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.