



Our ref: ATISN 13299  
Date: 12 August 2019

Dear \_\_\_\_\_,

**Response to your request for information, reference ATISN 13299**

Thank you for your request, which I received on 16 July 2019. You asked for the following information:

*all numbers dialled by the then First Minister Carwyn Jones on his publicly provided device;  
and  
disclosure of all text messages, including contents where possible sent by the First Minister, during the months of October 2017 and November 2017.*

In relation to point 1 of your request, the Welsh Government does hold some of this information for part of the period, however this information is exempt under Section 32 of the FOI Act 2000. An explanation of the exemption is set out at Annex A.

The Welsh Government does hold some material in relation to point 2 of your request, but the information held is considered personal and not related to official government business.

The ICO guidance states that:

*In most circumstances private emails sent or received by staff in the workplace would not be held by the authority as it has no interest in them. It will be a question of fact and degree whether a public authority does hold them, dependent on the level of access and control it has over the e mail system and on the computer use policies. It is likely to be the exception rather than the rule that the public authority does hold them.*

Therefore, I consider that these are outside the scope of the FOI Act 2000.

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

**Section 32 – Court records etc,**

Section 32 is an absolute exemption, which is therefore not subject to the public interest test. It applies to information held by a public authority only for the purposes of court proceedings and/or investigations or inquiries.

The relevant part of section 32 states:

*32 (2) Information held by a public authority is exempt information if it is held only by virtue of being contained in—*

*(a) any document placed in the custody of a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration, or*

*(b) any document created by a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration.*

*32 (4) In this section—*

*...  
(c) “inquiry” means any inquiry or hearing held under any provision contained in, or made under, an enactment...*

The Coroner’s inquest touching on the death of Carl Sargeant is an “inquiry” as defined by section 32(4).

The telephone numbers which we hold and which are caught by point 1 of your request are only held due to them being required by a court order for the specific purpose of the inquest. The numbers are therefore within the scope of section 32(2)(b) and are therefore absolutely exempt from disclosure.