



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 13524 & 13525
Date: 6 November 2019

Dear

Requests for Information – ATISN 13524 & 13525

Thank you for your requests which I received on 23 October. You asked:

ATISN 13524

Could you please provide a full list of staff employed in the office of Minister for Economy and Transport, Ken Skates.

Please include names, title of position held, and contact email addresses.

ATISN 13525

Could you please provide a full list of staff employed in the office of Minister for Environment, Energy and Rural Affairs Lesley Griffiths, including any special advisers.

Please include names, title of position held, and contact email addresses if available.

The Private Offices contain the following posts.

Senior Private Secretary
Private Secretary
Assistant Private Secretary
Diary Secretary
Team Support x 2

Contact details for Ministers are provided at the following webpage

<https://gov.wales/writing-ministers>

In relation to the request for names and individual contact details, the information you requested is exempt under Section 40 of the Freedom of Information Act (2000) – personal data. Full details of my reasoning is outlined in 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



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Parc Cathays • Cathays Park
Caerdydd • Cardiff
CF10 3NQ

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 e-mail: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference numbers 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

Section 40(20)

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 GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1) (f). This states:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1) (f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

Legitimate interests

It is unclear from the request what your legitimate interest is in requesting the names and contact details of staff (*as opposed to an established communication method such as an email inbox for such enquiries*). In assessing the request I cannot see that you have a legitimate interest other than a public interest consideration. Section 40 is an absolute exemption and not subject to the public interest test.

The Necessity Test

It is difficult to see any reasonable basis why your request for names and direct contact details meets the necessity test. ‘Necessary must be more than desirable’ and disclosure under FOIA must be the least intrusive means of achieving the aim in question.

The Balancing Test

The balance is between the legitimate interests of the requestor and the data subject’s interests and their fundamental rights and freedoms. The impact of

disclosure, when balanced against the rights of the data subjects to privacy and the failure of your request to meet the necessity tests, legitimate interest and balancing tests, would be unjustified.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.