



Llywodraeth Cymru  
Welsh Government

	<p>Cadw Ty'r Afon, Bedwas Road/ Heol Bedwas, Bedwas, Caerphilly/ Caerffili CF83 8WT</p> <p>Date: 19 February 2021</p>
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Dear

## **ATISN 14828 – Freedom of Information Request – Organisation Charts and Contact Details**

### **Information requested**

Thank you for your request which I received on 29 January, requesting:

The organisation chart and contact details for the following teams within Cadw:

- Historic Environment Team
- Legislation and Policy Team
- Properties in Care Team for N Wales
- Public Engagement and Visitor Services Team for N Wales
- Marketing and Business Development Team
- Central Services Team

Please include Section 7 Cadw Staff Structure from the Custodian's Handbook.

### **Our response**

The response to your request is as follows giving the post details for each branch but excluding individual post holders:

### **Annex A: Cadw's Organisational chart (as at March 2020)**

Please note that the organisation chart is accurate as of March 2020 and does not reflect more recent structure/staff changes or temporary redeployment as a result of the Covid pandemic.



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Cadw is the Welsh Government's historic environment service. Our aim is to promote the conservation and appreciation of Wales's historic environment.  
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## **Annex B:** Cadw Custodian Handbook.

The section 7 you refer to in your request does not form part of the current version of the Cadw Custodian Handbook (2020). However, I have included the Cadw site contact detail list at Annex B.

In the information below, we have redacted the personal data of correspondents, which has been found to be exempt under S.40 of the Freedom of Information Act (Personal Data). My reasons for withholding this information are set out in Annex 1 to this letter.

### **Next steps**

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,



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## Annex 1 – Personal Data

Section 40 of the Freedom of Information Act sets out an exemption from the right to know if the information requested is personal information protected by the Data Protection Act 1998 (DPA). Personal data is defined in Section 1(1) of the DPA as:

*“personal data” means data which relates to a living individual who can be identified from those data; or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller”.*

We have concluded that, in this instance, the names of correspondents amounts to third party personal data.

Under Section 40(2) of the FOI Act, personal data is exempt from release if disclosure would breach one of the data protection principles. We consider the principle being most relevant in this instance as being the first.

### The first data protection principle.

This states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -*

*(a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.*

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. The first data protection principle has two components:

1. Personal data shall be processed fairly and lawfully and
2. Personal data shall not be processed unless at least one of the conditions in DPA schedule 2 is met

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. There was no need in the*



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*present case therefore to consider whether any other Schedule 2 condition or conditions could be met because even if such conditions could be established, it would still not be possible to disclose the personal data without breaching the DPA” (paragraph 63).*

Our analysis of the ICO’s key considerations in assessing ‘fairness’, as set out in the Guidance, are below

- *Whether the information is sensitive personal data and the possible consequences of disclosure on the individual ;*

Information about the correspondents is personal data, and when taken in conjunction with the substance of the correspondence, it allows information to be ascertained about their views, beliefs and or interests. This constitutes sensitive personal data.

- *The reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA principles of transparency and accountability;*

The reasonable expectation of correspondents under these circumstances is that their information will not be placed in the public domain. Although correspondents will understand the nature of Cadw’s work, and that policy will be made public, there is a clear and general expectation on behalf of the public that their own personal views, expressed to public bodies, will not be made public, nor published in the public domain.

- *Whether there is any legitimate interest in the public or the requester having access to the information and the balance between this and the rights and freedoms of the individuals who are the data subjects.*

The request for information here is satisfied without providing the personal data of the correspondents, and as such there is no countervailing public interest in release of the information in this instance.

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



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