

26 September 2022

Dear

**Complaint in respect of Request for Information – reference ATISN16528**

Thank you for your email requiring a further response to your FOI request requesting the contact names and addresses of the members of the Better Quality River Taskforce.

I have been asked to internally review the response provided on 23 August 2022 by Geraint Hamer in relation to your complaint. After investigation on the information provided, I have assessed, for the reasons set out below, that the information provided was what you asked for. As such I do not uphold your complaint.

You attached a response you had received in relation to the membership of the Climate Change Committee. However, there are significant differences between the membership of the Better Quality River Taskforce and the Climate Change Committee.

A key difference between the Committee and this Taskforce is that the membership of the Taskforce consists of organisations not individuals. It is down to each organisation as to who will represent them at each meeting. These may be the same individuals for all, or most, meetings but may also change between meetings due to differing priorities within that organisation. Membership of a Senedd Committee will always be a specific individual, who is a Member of the Senedd (MS).

As membership of this Taskforce consists of the various organisations, we provided the names and contact details of those organisations. This is what you asked for.

In submitting this for Internal Review, it looks like you intended to ask for the names and contact details of those attending the Taskforce meetings, rather than

asking for the contact details of the membership of the Taskforce. I have concluded that had your request sought the contact details of the attendees, the contact details of those individuals would have been withheld under Reg 13(2) 'personal data' exception provided by the Environmental Information Regulations 2004. My consideration of that exemption is as follows:

### **Regulation 13 – Personal data**

Regulation 13 of the Environmental Information Regulations (EIR) 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 Regulation 13 of the EIR, 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 GPDR principle.**

This states:

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

- a) processed lawfully, fairly and in a transparent manner in relation to individuals; ATISN12515 Annex 1*

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 (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, the individuals attending the Taskforce meetings are representatives of various organisations, only some of which may be public organisations. The contact details of our contact points within these organisations are not routinely a matter of public record. The contact details, particularly the email address, we hold for the contact point within each organisation are personal data of individuals. For some this may be their individual email address within their organisation, but for others the contact details will be their private/home contact details.

I believe the data subjects have no expectation that their personal information would be made public. They were acting in administrative capacities on behalf of their organisations and were not in public facing roles. They had no expectation that the carrying out of their duties would see their information placed in the public domain.

Thus, I 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 Regulation 13 of the EIR. This is an absolute exemption and not subject to the public interest tests.

In your request for review you state that you were sent individual details for the Climate Change Committee under ATISN 16528, and it is this level detail you require. This information listed 6 Members of the Senedd (MS). A MS is a publicly elected representative, and in this capacity, they have public facing contact details and as such, their MS contact details are already in the public domain.

As set out above, the individuals attending the Taskforce meetings are representatives of various organisations, not in public facing roles. Their contact details within these organisations are not routinely a matter of public record, and as disclosure of their information would constitute unfair processing of their personal data, it would have been withheld had we deemed your request captured those details.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire

SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yours Sincerely