

29 May 2024

Dear ,

ATISN 19561 WG representative

Thank you for your request which I received on 13 May 2024.

Information requested

You asked for details about a Welsh Government representative, John/ JD, who attended a Wales Interpretation and Translation Service (WITS) Advisory Board meeting on 27 September 2023, specifically:

- their full name
- their grade (rank)
- their role at the meeting
- what expertise and knowledge they have of Sign Language and the Deaf community.

Our response

After careful consideration, I have decided to release some of the requested information, which is enclosed with this letter.

However, I have decided that some of the information requested is exempt from disclosure under section 40(2) of the Freedom of Information Act and is therefore withheld. The detailed reasons for applying this exemption are set out in full at Annex A to this letter.

Additionally, some of the information is not held on record and therefore I am unable to provide the information.

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,

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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.



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Cardiff,
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or Email: 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

Disclosure of information requested

The role of John/ JD at the Wales Interpretation and Translation Service (WITS) Advisory Board meeting on 27 September 2023 was to represent the Welsh Government.

Their civil service grade (rank) is Grade 7.

Information not available

The Welsh Government does not hold information about individual staff members' expertise and knowledge of Sign Language and the Deaf community.

Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information

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freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

The full name of John/ JD.

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 1998 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

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:

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1. Legitimate interests

The requester is known to be an active advocate for the deaf community and has a vested personal interest in ensuring that the deaf community is well represented. This establishes a legitimate personal interest in knowing who is representing the Welsh Government in discussions relating to services for the deaf community.

2. Is disclosure necessary?

Whilst a Welsh Government representative is invited to sit on the WITS Advisory Board the representative may vary by meeting, depending on the agenda and availability of staff.

If the requester wishes inquire about specific Welsh Government policies or details relating to the WITS service, they can contact the Welsh Government directly and will receive a personalised response, fulfilling the requester's need for information without disclosing personal data.

Disclosure of the full personal data of the Welsh Government official attending the WITS Advisory Board is unlikely to be of interest to the wider public, particularly without additional context about the WITS service and its Advisory Board.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

The duty to protect the data subject's rights and personal information outweighs the need for public disclosure of the Welsh Government representative's identity.

While the requester has a legitimate interest in this information, it is reasonable to expect them to address inquiries directly to the Welsh Government or WITS, ensuring their questions are answered without compromising the privacy of the Welsh Government official.

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