

19th January 2016

Dear ,

ATISN 10063 - Animal Health and Welfare Framework Group Chair

Thank you for your request which I received on 21st December 2015 asking for the Welsh Government to release all correspondence involving officials and Ministers relating to the appointment of the Chair of the Animal Health and Welfare Framework Group, both in June 2014 and the subsequent reappointment for the period running from 7 April 2015 to 31 May 2018.

Your request has been interpreted as internal correspondence between officials and Ministers relating to the appointment of the Chair of the Wales Animal Health and Welfare Framework Group, Mr Peredur Hughes.

It may be helpful for me to set out the timeline of events for the appointment of Mr Hughes. This is because he was originally appointed as Chair of the Wales Animal Health and Welfare Strategy Steering Group in May 2012 and not appointed in June 2014 as stated in your request for information.

The Steering Group was disbanded in line with the end of the Great Britain Animal Health and Welfare Strategy. It was agreed by the then Minister for Natural Resources and Food that the Chair would continue through the remaining period of his appointment in order to provide continuity in the development of the new Wales Animal Health and Welfare Framework. In addition it allowed him to provide independent advice on the appointment of the members of the new Wales Animal Health and Welfare Framework Group. He was then re-appointed by Ministers as Chair of the Wales Animal Health and Welfare Framework Group in March 2015.

A copy of the information I have decided to release is enclosed. I have decided that some of the information is exempt from disclosure under section 40 (2) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

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: FreedomOfInformationOfficer@wales.gsi.gov.uk

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 1

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
Doc 2c, 2d, 2e - Personal Information relating to unsuccessful candidates – embedded documents	Section 40 (2) Personal Information

Section 40(2)

Section 40 of the FOIA 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 information requested captures 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 names and personal details within Doc 2 fall 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 1.3) states (at p11):

- *The starting point is to consider whether it would be fair to the data subject to disclose their personal data. The key considerations in assessing this are set out in the section on Fairness below.*
- *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 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).

In this instance, we believe that in applying for the post of Chair of the Wales Animal Health and Welfare Strategy Steering Group and attending interview, the individuals would have no expectation that this information would be made public. 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.

Schedule of documents

ATISN 10063 - Animal Health and Welfare Framework Group Chair

APPOINTMENT OF PEREDUR HUGHES AS CHAIR OF THE WALES ANIMAL HEALTH AND WELFARE STRATEGY STEERING GROUP		
Doc no	Date	Description
1	13 th January 2012	SF/JG/0152/12 - To initiate the process to appoint a Chair to the Wales Animal Health and Welfare Strategy Steering Group.
1a	13th January 2012	SF/JG/0152/12 Information for Candidates (doc 2 in SF)
1b	13th January 2012	SF/JG/0152/12 Advertisement for Chair (doc 3 in SF)
1c	19th January 2012	SF/JG/0152/12 Email acknowledgement from Minister
2	19th April 2012	SF/JG/1431/12 to agree to appoint Peredur Hughes to Chair of the Wales Animal Health and Welfare Strategy Steering Group and response from Ministers Office
2a	19th April 2012	SF/JG/1431/12 Letter to Peredur Hughes (doc 2 in SF)
2b	19th April 2012	SF/JG/1431/12 Terms of Conditions (doc 3 in SF)
2c	19th April 2012	SF/JG/1431/12 Letter to unsuccessful candidate (doc 4 in SF)
2d	19th April 2012	SF/JG/1431/12 Letter to unsuccessful candidate (doc 5 in SF)
2e	19th April 2012	SF/JG/1431/12 Conversation with a Report Purpose (doc 6 in SF)
2f	25 th April 2012	SF/JG/1431/12 Email From Minister agreeing Statement of Information
3	7 th May 2012	Press Notice
4	16 th October 2013	Submission SF/AD/3469/13 agreement to proceed with the process to set up a Wales Animal Health and Welfare Framework Group
REAPPOINTMENT OF PEREDUR HUGHES CHAIR OF THE WALES ANIMAL HEALTH & WELFARE FRAMEWORK GROUP		
5	17th February 2015	Email which went with SF/RE/0382/13 which includes advice to Deputy Minister to agree to re appoint Peredur Hughes.
5a	17th February 2015	SF/RE/0383/15 to Deputy Minister to agree to re appoint Peredur Hughes.
5b	17th February 2015	SF/RE/0383/15 Draft Letter to Peredur Hughes (doc 2 in SF)
5c	17th February 2015	SF/RE/0383/15 Terms and Conditions (doc 3 in SF)
5d	17th February 2015	SF/RE/0383/15 Draft Press Notice (doc 4)
5e	17th February 2015	SF/RE/0383/15 Performance Report (doc 5 in SF)

6	19th February 2015	SF/RE/0383/15 Email - From Deputy Minister for Farming and Food office
7	2 nd March 2015	SF/RE/0383/15 Email From Minister for Natural Resources office