



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 10099
Date: 09 February 2016

Dear

Request for Information – ATISN reference 10099

Thank you for your request which was received by the Welsh Government on 14 January 2016.
You asked for the following information:

Please provide all log sheets of journeys made by Ministers during November and December 2015 in official Welsh Government cars.

We are providing the log sheets in hard copy and they will be delivered to your office in the Assembly.

Please note that the following information has been redacted from the log sheets:

- the names of the official drivers. This information is exempt from disclosure under S40(2) of the Freedom of Information Act (FOIA);
- the registration numbers of the official vehicles. This information is exempt from disclosure under S38(1) of the FOIA.

S40 of the FOIA is an absolute exemption and is not subject to public interest test. Section 40(2) of FOIA requires third party personal data to be withheld in circumstances where its disclosure would breach any of the data protection principles set out in Schedule 1 of the Data Protection Act 1998 (DPA). We consider that disclosure of this personal data would breach the first data protection principle. The first data protection principle requires that processing of personal data must be fair and lawful and, in particular, that it should not be processed unless one of the conditions set out in Schedule 2 of the DPA is met. In determining whether disclosure would contravene the first data protection principle, we have considered whether disclosure would amount to fair and lawful processing of those individuals' personal data. The individuals concerned do not have public facing roles. We consider that those individuals would be under the reasonable expectation that their information would remain confidential and not disclosed to the public at large. As such, we do not consider that disclosure of the redacted personal data would be fair.

Guidance from the Information Commissioner's Office (Personal information (section 40 and regulation 13) v1.0) states:



"The public authority must decide.....whether it would be fair to disclose the personal data. If the public authority concludes that it would not be fair, then it must not disclose the information in response to the FOIA request".

In this instance, because the individuals would have had no expectation that their personal data would be released into the public domain, we believe that 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 FOIA.

S38 of the FOIA is a qualified exemption subject to the public interest test. It provides for information to be exempt from disclosure if such disclosure would, or would be likely to, endanger the physical or mental health of any individual, or endanger the safety of any individual. We consider that releasing the registration numbers of the official vehicles used by Ministers would be likely to increase the risks to the drivers and their passengers. Disclosure of this information would allow the vehicles to be identified, and enable identification of the particular vehicle regularly used by the First Minister. The information would assist anyone wishing to do harm to Ministers whilst they are travelling by official vehicle as well as to the driver and any accompanying official or dignitary. We consider that there is no significant public interest argument for the release of the registration numbers. Detailed information on the composition and cost of the official car fleet is already in the public domain providing full transparency on the use of public funds for official Ministerial vehicles. We do not consider that providing registration numbers contributes in any significant way to public understanding of the arrangements in place to provide for Ministerial travel nor does it enhance the Welsh Government's accountability on the matter. Consequently we consider that the public interest in withholding registration numbers for the purpose of protecting the health and safety of Ministers, drivers and any other official passenger is not outweighed by the public interest in disclosing the information, and that the exemption may therefore be applied.

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

Cabinet Division