



Eich Cyf/Your Ref:
Ein Cyf/Our Ref: ATISN 10133

24 February 2016

Dear ,

ATISN 10133 - Funding for Folk2Folk

Thank you for your request which I received on 1 February 2016. You asked for:

1. Has the Fork2Fork project been awarded further funding since the two payments totalling £898,497?

As part of additional funding allocations in June 2014, under the Supply Chain Efficiency funding stream, additional funding was allocated to the Fork2Fork project.

2. If further funding has been awarded to Fork2Fork, how they were allowed to obtain further funding on this project?

Additional funding was allocated to the Supply Chain Efficiencies Scheme (SCES) and all existing and new project sponsors were invited to submit proposals for new projects or new activities that would add value to their current projects. A further allocation of £7.2 million was committed to projects under SCES.

3. Who authorised any further payments?

Payments were authorised by a Welsh Government official on behalf of Welsh Ministers. I am withholding the name of the official under Section 40 of the Freedom

of Information Act as they were not senior staff and were working in an administrative capacity. I describe my reasoning in Annex A

4. Why further funding was awarded?

Further funding was used to expand on previous capacity building amongst the Fork 2Folk community of interest by enhanced engagement and provision of business and marketing support.

5. If further funding was awarded to Fork2Fork that was over £25k, and if these were put out to tender by WAG or not?

Fork2Fork is a project that was approved under the Supply Chain Efficiencies Schemes which is part of the Rural Development Plan 2007-2013. The project sponsor is FBA Ltd. This is not a Welsh Government procured contract therefore any additional grant support is not subject to Welsh Government procurement procedures

6. Please list all payments made to Fork2Fork, dates awarded and for what purpose additional monies were given.

For question 6, you requested this information in January 2013 and it was withheld under S.43 of the FOIA – Commercial interests. As the information requested and situation has not changed, we ask that you see our response to request 6822. We are treating this as a repeat request under Section 14 of the Freedom of Information Act. Responses to FOIs are in the disclosure log on:

<http://gov.wales/about/foi/responses/?lang=encan>

7. I require all recorded information that relates to Fork2Fork.

Your question is not sufficiently clear for me to locate the information you want. If you wish to reformulate this request it will be treated as a new request for information. Further guidance on making requests can be found on:

<http://gov.wales/about/foi/makerequest/?lang=encan>

8. All payments made to them and why they were made.

For question 8, you requested this information in January 2013 and it was withheld under S.43 of the FOIA – Commercial interests. As the information requested and situation has not changed, we ask that you see our response to request 6822. We are treating this as a repeat request under Section 14 of the Freedom of Information Act. Responses to FOIs are in the disclosure log on:

<http://gov.wales/about/foi/responses/?lang=en>

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 A

Data withheld under Section 40 of the FOIA.

Section 40 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 name of the officials within the information requested amounts to 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 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 name of the official clearly falls within the description of personal data as defined by the DPA and that 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).

The Information Commissioner has issued guidance on whether release of names of officials in disclosed emails would be unfair, and thus in breach of the first principle of the DPA. The guidance states:

In assessing whether employees can have a reasonable expectation that their names will not be disclosed, key factors will include their level of seniority and responsibility and whether they have a public facing role where they represent the authority to the outside world.

Where the officials in question are not senior staff, do not have a public facing role and where they are acting entirely in an administrative capacity, I have concluded that they have a reasonable expectation that their names will not be disclosed. It is my view, therefore, that disclosure of their names would breach the first data protection principle, and thus are exempt from release under section 40 of the Freedom of Information Act.