Adran yr Economi a'r Seilwaith
Department for Economy and Infrastructure

Eich cyf/Your ref
Ein cyf/Our ref ATISN 10408

Llywodraeth Cymru
Welsh Government

26 May, 2016

Dear ,

Request for Information – ATISN 10408

I wrote to you on 27 April regarding your request for information. You asked for:

Copies of all letters sent by local authorities to the Minister for, Science, Economy and Transport since January 2013 regarding Home School Transport, Learner Travel (Wales) Measure 2008, Learner Travel Guidance 2009 and Learner Travel Guidance 2014.

I can confirm we hold information relating to your request. Due to the volume of correspondence captured by your request these will be sent to you hard copy via the post – you will receive these shortly at your home address(docs 1-35). Please note that some names have been redacted under Section 40(2), Third party personal data of the Freedom of Information Act (FOIA) 2000. The reason for applying this exemption is set out at Annex A.

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 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.

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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.

Yours sincerely

Annex A

Section 40(2) – Personal Data

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, in particular, that it should not be processed unless one of 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 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 withheld 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 Freedom of Information Act. This is an absolute exemption and not subject to public tests.