



10 October 2016

Dear ,,

ATISN 10734: Information supplied to the Welsh Government by Wrexham Borough Council in relation to the tenancy at Woodlands Farm, SY13 3EZ

Thank you for your request which I received on 3 August 2016. I apologise for the delay in replying. You asked for information supplied to the Welsh Government by Wrexham CBC concerning Woodland Farm, including the name of the individual providing the information.

I have enclosed the following information which is captured by your request.

- Email correspondence March 2015
- Email Correspondence June 2016
- Notice to Quit - Woodlands Farm dated 26-3-14

I have decided that some of the information described in the list below is exempt from disclosure under the section 40(2) "personal data" exemption provided by the Freedom of Information Act, 2000 (FOIA) and is therefore withheld. The reason for applying this exemption is 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 names of Wrexham CBC officials who contacted the Welsh Government under Section 40(2), personal data.

Section 40: Personal Information

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: 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 contains third party personal data relating to various members of staff. Under Section 40(2), 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. 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 name of members of staff within the Inquiry Report clearly falls 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.*

In this instance, we believe that staff whose only involvement was simply to act as "postman" in sending or receiving emails on behalf of Wrexham CBC and had no decision making role 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 FOIA. This is an absolute exemption and not subject to the public interest tests.