



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref ATISN 11134

23 March 2017

Dear ,

ATISN 11134 – Llangennech Junior School in the last six months

Thank you for your request which I received on 23 February 2017. You asked for:

- All correspondence (emails, letters, minutes of meetings, transcriptions of telephone conversations) relating to Llangennech Junior School in the last six months.

In our response dated 28 February we indicated that there have been no meetings or any telephone calls relating to this matter.

We have interpreted your request for correspondence as those relating to Carmarthenshire County Councils Proposals in respect of Llangennech Junior School. A copy of the information I have decided to release is enclosed.

Some information has been withheld under the s40(2) “personal data” exemption provided by the Freedom of Information Act 2000 (FOIA). Full details of our application of this exemption is set out in the Annex to this letter.

Some of the information captured by your request has previously been put into the public domain. I have provided the links to this information below:

Plenary debate dated 7th February 2017

<http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4081&language=en&assembly=5&c=Record%20of%20Proceedings>

Plenary debate dated 14th February 2017

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

[Address]

Canolfan Cyswllt Cyntaf / First Point of Contact Centre
0300 0604400

<http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4083&language=en&assembly=5&c=Record%20of%20Proceedings>

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

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 the information which identifies the members of the public who have corresponded with ourselves on this matter 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. We have consulted the individuals and they have all not provided permission for their personal data to be put into the public arena. The authors have indicated that they believed that their identities would be protected in line with our obligations under the DPA and as such, they had no expectation that their personal data would be released into the World at the behest of a media FOI request. The individuals have also raised concerns with their identities being made public as the issue has raised tensions between different groups and individuals in the area, with threats, etc, being made. 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.