



Ein cyf/Our ref ATISN 11327

15 August, 2017

Dear ,

Request for Information – ATISN 11327

I wrote to you on 19 June acknowledging your request for information. In your request you asked for the following:

- Copies of e-mails between the Welsh Government and Arriva Trains Wales that were sent and received in the period 1st January 2017-5th June 2017 relating to the shut down of rail services on the Marches line and the reallocation of rolling stock to other priorities in South Wales on the evening of 3rd June.
- Minutes of meetings between Welsh Government officials and Arriva Trains Wales representatives discussing plans for dealing with the reallocation of rolling stock from the Marches line to other priorities in South Wales.

Regretfully, it has taken longer than expected to fully process your request. Please accept my apologies for the delay in providing you with this response. I can confirm we hold information captured by your request and a copy of the information is enclosed.

I have redacted the names of Welsh Government officials, who are not in either senior or public-facing roles, from the information I am disclosing under section(s) 40(2) Personal Data. The reasons for applying this exemption are set out in full at Annex A 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 in all communications.



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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 .

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 or casework@ico.org.uk.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

ATISN 11327 – Consideration For and Against Disclosure of Information

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 interest tests.