



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 11545

Date: 5 October 2017

Dear ,

Request for Information – ATISN reference 11545

Thank you for your request which was received by the Welsh Government on 8 September 2017.

In my acknowledgement letter dated 20 September, I confirmed that in using the term 'Welsh Assembly Government Credit card payments' (Procurement Cards 2016/17), your request was being interpreted as seeking information on Welsh Government Credit Cards for the period identified (given the Welsh Government and National Assembly for Wales are 2 separate organisations).

Q1 How many Card holders are there?

Answer 205 active cards in 2016/17.

Q2 All documentation, including e-mails, reports, notes and recorded conversations concerning the payments made on the card to Victoria Secrets and by whom.

Answer In the case of the transaction relating to Victoria Secrets we can confirm that the transaction involved fraudulent use of the card details by a third party. This transaction was flagged by our card provider, Barclaycard, confirmed as fraudulent by the card holder themselves and immediately refunded with the card itself then cancelled.

Question 3 Details of all payments by cards executed by Welsh Assembly members during this period.

Answer Question transferred to the National Assembly for Wales as no information on Welsh Assembly members is held by the Welsh Government.

Question 4 Copies of all Policies, memorandums, notes and e-mail giving advice on the use of cards.



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Answer A Welsh Procurement Cards (WPC) is only issued to officials on receipt of a business case that is approved by the department head of finance and relevant director. A copy of the WPC application can be found at **Annex 2**.

All WPC's must be used in accordance with the Welsh Government Welsh Procurement Card User Guide. A copy of this can be found at **Annex 3**. All Transactions made on WPC's held by officials within the Welsh Government (WG) are posted to the Barclaycard Spend Management System (BSM).

BSM allows cardholders to view, code and enter a description against every transaction that has been made on their WPC. A copy of the BSM cardholder guide can be found at **Annex 4**.

Every cardholder is assigned an approver who is either an officer who is of a senior grade to them or the department head of finance. Approvers have access to view, query, reject and approve transactions for all cards that they are responsible for. A copy of the BSM Approver Guide can be found at **Annex 5**.

There are a number of regular emails issued to card holders and operations teams. Details of the content of these mails are included in **Annex 6**.

Question 5 Details of payments and names of users of the cards at Zip world, Ikea and Quilting Bee Conwy during this period.

Zip World – Card held on behalf of the Visit Wales Marketing team. The Visit Wales Marketing team arranges visits for the media to come and experience various tourism products around Wales which included the experience at Zip World. This payment covered a media visit to the Zip World attraction.

Ikea – Card held by the Culture, Sport and Tourism team. This payment relates to the purchase of retail units, mainly cabinets with shelves, which were purchased to display merchandise during the poppies exhibition at Caernarfon Castle.

Quilting Bee Conwy Card held by the Culture, Sport and Tourism team. The transaction was for materials to be used in a staff and volunteer project to produce Costumed interpretation clothes and interpretive items for Plas Mawr Elizabethan House.

I have concluded that information on the name of the card holders is exempt from disclosure under Section 40(2) of the FOI Act - personal data. Full reasoning for applying this exemption can be seen at Annex A to this letter.

Question 5 Details of all investigations into card payments.

Answer There have been no formal investigations into card payments undertaken by Welsh Government. We have taken your request to refer to formal investigations on either individual card holders transactions or card usage. We have excluded the regular and routine reviews of expenditure which are referred to in our WPC user guide provided in response to your request at Annex 3.

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

Section 40(2) – Personal Data

Section 40 of the Freedom of Information Act 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 information relating to the personal data of civil servant officials amounts to third party 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.
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 the information highlighted 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 1.4) states:

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).

Our analysis of the ICO's key considerations in assessing 'fairness', as set out in the Guidance, are below

- Whether the information is sensitive personal data and the possible consequences of disclosure on the individual;
- The reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA principles of transparency and accountability; and
- Whether there is any legitimate interest in the public or the requester having access to the information and the balance between this and the rights and freedoms of the individuals who are the data subjects.

In this instance, because the individuals would have had no expectation that their personal data i.e. names 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 (2000).