



Llywodraeth Cymru
Welsh Government

27th October 2017

Dear ,

ATISN 11602 - School workforce data collection in Wales: privacy impact assessment

Thank you for your request which I received on 2nd October 2017. You asked for:

With regards the School workforce data collection in Wales:-

1. A copy of the privacy impact assessment for the new collection, including any assessment of the necessity and proportionality of the collection of National Insurance numbers and of the third parties with whom these data will be shared whether this be a formal PIA or what has been used to make the assessment under the government "minimum mandatory measures 2008". ;
2. the consultation responses made and listed on page 21 of the published responses to the consultation 'School workforce data collection in Wales';
3. the communications plans / documents or template of information to be used to communicate this personal confidential data collection to the data subjects (the people from whom the data comes, both current and future workforce).
4. the documentation regards the planned future release process, how applications and decisions will be made, with what oversight, and transparency of release, such as an online third-party release register to inform the data subjects where their data has gone.

Please see the Welsh Government's response to requests as follows:-

1. *A copy of the privacy impact assessment for the new collection, including any assessment of the necessity and proportionality of the collection of National Insurance numbers and of the third parties with whom these data will be shared whether this be a formal PIA or what has been used to make the assessment under the government "minimum mandatory measures 2008".*

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.

I have concluded that the information that you have requested for your first question is exempt from disclosure under section(s) 35 of the Freedom of Information Act, formulation of government policy. The reasons for applying these exemptions are set out in full at Annex A to this letter.

2. *the consultation responses made and listed on page 21 of the published responses to the consultation 'School workforce data collection in Wales';*

See **Annex A** for a copy of the responses to the consultation.

3. *the communications plans / documents or template of information to be used to communicate this personal confidential data collection to the data subjects (the people from whom the data comes, both current and future workforce).*

No document currently exists for communicating this data collection to data subjects.

A privacy notice will be distributed to each member of the workforce covered by the Regulations and data collection in adherence to the General Data Protection Regulations (GDPR) which will come into force from May 2018. The privacy notice will include what information is collected; the basis for collecting the information; the purpose for collecting the information and how it will be used; how the information will be collected and stored; individual's rights to access their data and with whom the information may be shared with in accordance with law. The privacy notice is currently being developed and will be distributed to all individuals affected by the regulations prior to the implementation of the School Workforce Data Collection.

4. *the documentation regards the planned future release process, how applications and decisions will be made, with what oversight, and transparency of release, such as an online third-party release register to inform the data subjects where their data has gone.*

All organisations that want access to individual data (whether identifiable or anonymised) must complete a Data Access Agreement (DAA) which is signed off by the Information Asset Owner at Welsh Government. The DAA places certain obligations upon the organisation in respect of what they can and cannot do with the data. Minimum standards must be maintained in relation to information security, as specified in the Security Aspects Letter. All data must be securely destroyed at the end of the project, or in most cases when one calendar year has passed.

The Welsh Government maintains a database of all requests for access to data, including the requesting organisation and the outcome. Whilst this is not currently published by Welsh Government, details of requests for access to data would be made available if requested.

See **Annexes B** and **C** for copies of the Data Access Agreement template and Security Aspects Letter template respectively.

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

I have decided to withhold the privacy impact assessment for the new school workforce data collection with due consideration of the exemptions identified under sections 35(1)(a) of the Freedom of information Act 2000.

This exemption states that:

(1) information held by a government department is exempt information if it relates to
(a) the formulation or development of government policy.

Section 35 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it.

This Annex sets out the reasons for the engagement of section(s) 35 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

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Public Interest Test

In order to satisfy the public interest test in relation to the exemption, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

I recognise that the public has an interest in understanding the Government's considerations in the development of policies which impact upon individuals themselves. To release information now, may promote awareness of the issues that Government is currently considering, as well as enhancing public scrutiny of the Government's policy making decisions.

Public interest arguments in favour of withholding

Whilst there is a public interest argument to support the view that the public should be able to see and scrutinise how government reaches the decision it makes regarding the collection and use of individuals' information, I do not believe it is in the wider public interest to make public information that would be likely to harm the Welsh Government's ability to develop government policy in an effective and efficient manner.

Good governance relies on decisions being made after a detailed scrutiny of all factors and possibilities. Disclosure of incomplete information relating to the development of the school workforce data collection would not allow for adequate or proper scrutiny by the public whilst the PIA is still reviewed.

I am aware that as a general rule, the sensitivity of information is likely to reduce over time so that the age of the information or timing of the request may be relevant in determining whether to apply the exemption, or where the public interest may lie. In this case, however, the PIA in its current draft form is being reviewed and relates to policy which is still in development. The document will be reviewed in light of continued discussions with key interested parties. Premature disclosure is therefore unlikely to give a complete picture of

any final outcomes and may be contrary to the public interest if it results in inaccurate or incomplete information being published.

Balance of public interest test

In conclusion, I believe that the balance of the public interest falls in favour of withholding this information as the document will be reviewed throughout the development of the school workforce data collection and will be subject to change prior to implementation.