



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 11735

Date: 21 December 2017

Dear ,

Request for Information – ATISN reference 11735

Thank you for your request which was received by the Welsh Government on 20 November 2017.

You asked for the following information:

I would like copies of all emails between Welsh Government special advisers and email addresses ending with:

*bbc.co.uk';
mediawales.co.uk;
trinitymirror.com;
itvwales.com;*

In order to narrow down the parameters of that search please limit it to emails sent between April 1st and June 9th?

The information requested is attached at Doc 1. I have concluded however that some personal information is exempt under Section 40(2) of the Freedom of Information Act (2000). My arguments for withholding are set out 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

Section 40 – 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”.

I have concluded that, in this instance, names and contact details 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. I consider the principle being most relevant in this instance as being the first.

The first data protection principle 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.

I consider that the withheld information in relation to names and contact details 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 presented below.

Some of the withheld information amounts to the personal data where there would not be an expectation that their names in combination with contact details would be released in this context. There are set procedures in place for members of the public to contact both the Welsh Government and our Press organisations using generic contact mechanisms. Having such systems in place means members of the public do not make direct contact and avoids individuals dealing with potentially unnecessary and disruptive correspondence. In this

context, contact was as part of the normal course of business. In doing so, there would be no expectation that personal details would at any time be placed in the public domain.

The Welsh Government does not believe there is any legitimate interest in the public or the requestor having access to this information, and we do not see any legitimate reason why the named officials need to be contacted directly. Because of that it is believed release of this information would be unfair and so breach the first data protection principle.

From: bbc.co.uk
Sent: 09 May 2017 21:32
To: (Special Adviser)
Subject: Re: Speech

Decided against it as there is the look after kids story tomorrow.
However I wouldn't mind returning to it next week - best to speak to you
or ?

Sent from my iPhone

On 9 May 2017, at 17:23, (Special Adviser) wrote:

No probs. That was a draft, so 'check against delivery etc'. If you guys cover it, I'll let you know if she takes out or adds anything.

From: bbc.co.uk
Sent: 09 May 2017 15:21
To: (Special Adviser)
Subject: RE: Speech

Cheers .

& ta for the chat.

From: (Special Adviser)
Sent: 09 May 2017 15:17
To: bbc.co.uk
Subject: Speech

Good seeing you earlier.

Please find Kirsty's speech attached As you will see, there are some hard hitting messages there.

Cheers

From: trinitymirror.com
Sent: Tue 23/05/2017 11:31
To: (Special Advisor)
Subject: Re: Response

Hi ,

Many thanks for this. Much appreciated.

Many thanks,

On 23 May 2017 at 11:20, (Special Advisor) wrote:

Hi,

A response to the story below.

Kind regards,

A spokesperson for Economy Secretary Ken Skates said:

"The statistics being cited in the release don't reflect the number of people who work in communities nearby. Figures clearly show that the employment rate in Blaenau Gwent has risen since 2001 and that an additional 1,800 people are in work. In addition to this, the unemployment rate in the community has fallen and the economic activity rate has risen.

"This really is rank hypocrisy from Plaid Cymru. Just a few weeks ago Plaid joined forces with UKIP in the Assembly to vote against Welsh Labour's budget plan to pump hundreds of millions of pounds into Welsh hospitals, homes and schools, all of which would have had a direct benefit for the people of Blaenau Gwent.

"That package included £170m for the Welsh NHS, £30m for new affordable housing and funding for world war one commemorations. It also included £10m for upgrades on the Heads of the Valleys road which would boost the economy of Blaenau Gwent.

"Unlike Plaid, Welsh Labour is standing up for Blaenau Gwent by investing hundreds of millions of pounds in a new Metro system, has set up a Ministerial Taskforce to attract new jobs to the area and is developing a new Better Jobs Closer to Home programme to ensure more of the benefits of public spending in terms of employment stays in valleys communities."

-Ends-

- There are now 1,800 more people in work in Blaenau Gwent since 2001
- The employment rate in Blaenau Gwent has increased from 60.4% to 64.5%
- The rate of unemployment in Blaenau Gwent has fallen from 7.7% to 6.8%
- The economic activity rate in Blaenau Gwent has gone up from 65.4% to 69.2%

Notes:

In March Plaid Cymru joined with the Tories and Neil Hamilton's UKIP, Plaid Cymru voted against funding for key services and projects right across Wales.

Some of the funding Plaid Cymru AMs voted against includes:

- £170 million to support the Welsh NHS. This sum includes £50 million to address winter pressures and to sustain and improve performance during the winter period. It also includes additional funding for Betsi Cadwaladr University Health Board in North Wales and for Hywel Dda University Health Board in West Wales.
- £16 million for a Treatment Fund for new types of approved treatments for life threatening conditions.
- An additional £20m funding for Higher Education, helping people upskill and improve their life chances.
- An additional £55.5m to support construction and maintenance of the trunk road network in Wales including £10m for the Heads of the Valleys
- £4m allocated to Tata Steel for skills support, helping to secure the future of steel production in Wales.
- £30m towards achieving the Welsh Government's goal of 20,000 affordable new homes across Wales, including money for the Help to Buy scheme.
- £100,000 to fund World War 1 commemorations.

Sent from my Windows 10 phone

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From: bbc.co.uk
Sent: Tue 09/05/2017 15:56
To: (Special Adviser)
Subject: Income tax rate

Hi

Could you just clarify Carwyn Jones's comments in FMQs today?

CJ: "As far as the Welsh rate of income tax is concerned we've already pledged that we will not increase the rate of income tax during the course of this assembly."

Forgive any denseness on my part, but am I right to understand he is referring here to the Welsh element of income tax?

That means that should a UK Labour government raise the higher rate this would apply to Wales, under a devolved income tax scenario?

What he is not saying is that the higher rate, in total, would not rise in Wales, is that right?

<http://www.bbc.co.uk>

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Further communication will signify your consent to this.

From: mediawales.co.uk
Sent: Wed 12/04/2017 14:59
To: (Special Adviser); (Special Adviser)
Subject: Fwd: tagged you in Penybont Chwith (Bridgend Labour Left).

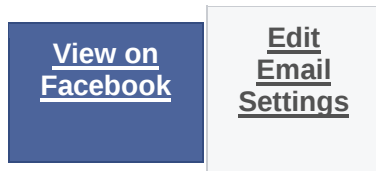
For your entertainment ...

Western Mail

----- Forwarded message -----
From:
Date: 12 April 2017 at 14:46
Subject: Fwd: To:

Sent from Samsung tablet.

----- Original message -----
From: <
Date: 12/04/2017 13:41 (GMT+00:00)
To: Subject:



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From: trinitymirror.com
Sent: Fri 19/05/2017 09:34
To: (Special Adviser); (Special Adviser);
Subject: EU funding replacement / Tidal lagoons

Hello there,

Once again I'd like to pass on the deepest sympathy over the passing of Rhodri. There are lots of journalists who are mourning one of the most engaging and intelligent people we'll ever get to spend time with, but you guys knew him as a irreplaceable friend who shared your mission. Our thoughts are particularly with Julie and the family. Their marriage was a beautiful and splendid partnership and an inspiration for people from any background.

Today I'm picking up a couple of items from the Tory manifesto on which it would be great to have a Welsh Labour or Welsh Gov perspective.

The first is about the United Kingdom Shared Prosperity Fund. If you could spell out your concerns about this for people who haven't followed the controversy about the future of structural funding, that would be most helpful.

The second concerns the absence of any pledge - or specific reference to - the Swansea Bay Tidal Lagoon, even though the Hendry Review have such an unequivocal thumbs up months ago. A line expressing what the failure to deliver on his project would mean for Wales (and for the UK if we let others pioneer this technology) would be very helpful.

Thanks and very best regards,

--

, Media Wales
The Western Mail, Daily Post, Wales on Sunday, South Wales Echo and WalesOnline

Twitter:

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