



Llywodraeth Cymru
Welsh Government

6 March 2018

Dear ,

ATISN 12051 #TalkParenting Survey

Thank you for your request which I received on 7 February 2018. You asked for:

- a. What analysis was provided to senior civil servants? Please provide us with a full copy. *I have understood 'senior civil servants' to be The Removal of the Defence of Reasonable Punishment Project Board.*
- b. Was an analysis provided to the minister? If so, please provide us with a copy.
- c. How many responses to the survey highlight confusion around the current law? What measure did officials use to decide whether a particular response fitted into this category?
- d. How many responses to the survey expressed concerns as to how the changes may impact on (a) children and (b) wider public services?
- e. What proportion of responses were from (a) individuals (b) organisations?
- f. What steps were taken to promote and publicise the survey?
- g. Please provide a full list of the organisations who were contacted directly by, or on behalf of, the Welsh Government.
- h. Please provide a full list of the organisations who were (a) given sight of the survey before it was made public (b) consulted on the drafting of the survey.
- i. Please provide copies of all emails between civil servants or ministers discussing (a) the drafting or launch of the survey (b) the running of the survey (c) the public response to the survey and (d) any analysis of the responses to the survey. *I have understood 'discussing' to be an exchange of views, ideas or opinions.*
- j. Please provide copies of all emails from civil servants or ministers to non-governmental organisations or third parties discussing (a) the drafting or launch of the survey (b) the running of the survey (c) the public response to the survey and (d) any analysis of the responses to the survey. *I have understood 'discussing' to be an exchange of views, ideas or opinions.*

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.

Yr Is-adran Plant a Theuluoedd/ Children and Families Division
Llywodraeth Cymru / Welsh Government
Parc Cathays 2 / Cathays Park 2
Caerdydd / Cardiff, CF10 3NQ Ffôn / Tel 03000 250954
e-bost: trafodmaguplant@llyw.cymru
e-mail: talkparenting@gov.wales

Canolfan Cyswllt Cyntaf / First Point of Contact Centre
0300 0604400

k. Please provide copies of all policies, documentation, advice and discussion within Government about Data Protection Act compliance in relation to the survey, and any data collected and material generated by or as a result of the survey

I wrote to you on 12 February to inform you that following my preliminary assessment, specifically in relation to questions i and j, I estimated it may cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. I also asked that you consider refining your request by narrowing its scope by being more specific about what information you particularly wished to obtain, including any dates or period of time relevant to the information required.

You responded on 14 February, amending question g to read:

g. Please provide a full list of the organisations who were contacted directly by, or on behalf of, the Welsh Government encouraging responses to the #talkparenting survey, or seeking advice about it.

In addition, you wished to specify a date range for points 'i', 'j' and 'k' of between 1 July 2017 and 1 February 2018.

A copy of the information I have decided to release is enclosed at Annex A.

I have decided that some of the information requested is exempt from disclosure under Sections 12, 22(1) and 40(2) of the Freedom of Information Act 2000 (FOIA) and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex B 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 A: Information released for FOI request ATISN 12051

Question b.

The Minister for Children and Social Care was briefed ahead of the publication of the consultation document. The information relating to that briefing is withheld under Section 22 of the FOIA as outlined in Annex B.

Question e.

The #TalkParenting survey was an anonymous online survey and, therefore, we do not hold the requested information.

Question f.

The following steps were taken to promote and publicise the #TalkParenting survey:

- use of posts on Welsh Government Twitter and Facebook channels;
- a press notice was issued;
- a news article about the launch of #TalkParenting was posted on the Welsh Government internet newpage on 2 October 2017;
- a news article about the launch of #TalkParenting was posted on the Welsh Government internal intranet newpage on 2 October 2017;
- example bilingual Facebook posts and Tweets were circulated to stakeholders, accompanied by a request to share on their social media channels and to cascade to their networks, if they so wished.

Question g.

Organisations that were contacted directly to highlight the launch of the survey are:

- Action for Children
- All Wales Health Visitors Forum
- Barnardos Cymru
- Blaenau Gwent County Borough Council
- Bridgend County Borough Council
- Caerphilly County Borough Council
- Carmarthenshire County Council
- Ceredigion County Council
- Children are Unbeatable!
- Children in Wales (including Young Wales)
- Children's Commissioner for Wales
- City and County of Swansea
- City of Cardiff Council
- Conwy County Borough Council
- Denbighshire County Council
- Flintshire County Council
- Flying Start Health Visitor Forum
- Gingerbread Wales
- Gwynedd Council
- Home-Start UK in Wales
- Isle of Anglesey County Council
- Merthyr Tydfil County Borough Council
- Monmouthshire County Council
- National Childbirth Trust

- National Federation of Women's Institutes - Wales
- National Society for the Prevention of Cruelty to Children (NSPCC)
- Neath Port Talbot County Borough Council
- Newport City Council
- Pembrokeshire County Council
- Plant Dewi
- Powys County Council
- Powys Montgomery Federation of Women's Institutes
- Rhondda Cynon Taf County Borough Council
- Save the Children
- Torfaen County Borough Council
- Vale of Glamorgan Council
- Wrexham County Borough Council

The following are not organisations but were contacted on behalf of the Welsh Government by Children in Wales:

- Family Information Services in Wales
- Member organisations of Children in Wales
- National Parenting Co-ordinators Network
- North Wales Parenting Learning Set

Question h.

No organisations were a) given sight of the survey before it was made public; nor, b) consulted on the drafting of the survey.

Question j.

There are 3 e-mails that satisfy the criteria and which can be found below as requested. The names of the civil servants have been exempted according to Section 40 of the FOIA as outlined in Annex B.

The information discussed in the emails, namely the FAQs and the website text accompanying the survey, have been published on the Welsh Government website:

<http://gov.wales/topics/people-and-communities/people/children-and-young-people/parenting-support-guidance/talk-parenting/?lang=en>

On 25 Sep 2017, at 14:39, XXXXX wrote:

Hi Rachel

I understand that you attended the meeting with the Children's Commissioner and my colleague XXXXXX on 5 October to discuss the reasonable punishment legislation? At that meeting, XXXXX mentioned that we were planning to launch a public engagement campaign called #TalkParenting to engage with parents in advance of a formal consultation on legislative proposals to remove the defence of reasonable punishment.

The purpose of #TalkParenting is to learn more about how much parents, carers and guardians understanding the current law, how best to provide them with information and support, and, to understand their concerns about how a change in law would be implemented. There will be an online survey for parents to fill in, FAQs, Infographics and also an online conversation using #TalkParenting.

We're planning to launch on Friday, 29 September and I was wondering if the Children's Commissioner would be willing to give a supportive quote which we could use for the launch of the campaign and in a press notice. Grateful if you could advise if this would be possible please? I can give further information about the campaign if needed and am happy to discuss if you have any queries.

Many thanks

Parenting Branch | Y Gangen Rianta
Education and Public Services Group | Y Grŵp Addysg a Gwasanaethau Cyhoeddus
Welsh Government | Llywodraeth Cymru
Cathays Park | Parc Cathays
Cardiff | Caerdydd
CF10 3NQ

For advice and support on all aspects of parenting, visit our website:
<http://giveittime.gov.wales/?lang=en>

I gael cyngor a chymorth ar bob agwedd o fagu plant, ewch i'n gwefan:
<http://giveittime.gov.wales/?lang=cy>

Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body.

Dylai unrhyw ddatganiadau neu sylwadau uchod gael eu trin fel rhai personol ac nid o reidrwydd fel datganiadau neu sylwadau gan Llywodraeth Cymru, unrhyw ran ohono, neu unrhyw gorff sy'n gysylltiedig ag ef.

Sent: 27 September 2017 10:56
To: Rachel Thomas
Subject: RE: Welsh Government public awareness campaign

Hi Rachel

Thanks for getting back to me.

I'll be able to share the FAQs with you once finalised and cleared (which should be tomorrow) and also the text for the website which introduces the survey. They'll give you a flavour of our messaging for the campaign which should help with putting a quote together. I'll send the materials on to you as soon as I can but, as you say, they will be under strict embargo.

Also, we're going to launch now on Monday 2 October (and not this Friday) so that we are able to respond immediately to any press queries etc next week.

Many thanks

Sent: 28 September 2017 15:52

To: Rachel Thomas

Subject: RE: Welsh Government public awareness campaign

EMBARGO until 9am Monday, 2 October

Hi Rachel

As discussed, please find attached the Frequently Asked Questions for the #TalkParenting campaign which will launch on Monday, 2 October. Also included in that document is the website text which introduces the campaign and will ask parents, and other interested individuals, to take part in an online survey and conversation on social media using the hashtag #TalkParenting.

The survey will go live at 9am on Monday morning and we'll be emailing stakeholders to ask them to share across their networks shortly after.

Any support from the Children's Commissioner in this would be welcome.

I'm not in the office tomorrow but my colleague XXXXX will be available if you want to discuss anything.

Many thanks for your help

Question k.

The Welsh Government does not hold any information of this description.

The #TalkParenting survey was anonymous and it, therefore, falls outside of the Data Protection Act. The survey was conducted via Smartsurvey, which is a tool that was procured by the Welsh Government to be used as an online questionnaire tool. Smartsurvey benefits from SSL encryption, is certified under ISO 27001, all data is stored in the UK/EU and is fully compliant with EU privacy laws.

Annex B: Information withheld for FOI request ATISN 12051

The following information is being withheld:

Information being withheld	Section number and exemption name
a. An analysis of the #TalkParenting survey provided to the Removal of the Defence of Reasonable Punishment Project Board. b. An analysis of the #TalkParenting survey provided to the Minister for Children and Social Care. c. How many responses to the survey highlight confusion around the current law? What measure did officials use to decide whether a particular response fitted into this category? d. How many responses to the survey expressed concerns as to how the changes may impact on (a) children and (b) wider public services?	Section 22(1) of the FOIA - information intended for future publication.
i. Copies of all emails between civil servants or ministers discussing (a) the drafting or launch of the survey (b) the running of the survey (c) the public response to the survey and (d) any analysis of the responses to the survey. Within the date range of between 1 July 2017 and 1 February 2018.	Section 12 of the FOIA - requests where the cost of compliance exceeds the appropriate limit.
j. Personal information relating to the civil servants who sent emails from the Welsh Government to non-governmental organisations or third parties, including personal information contained within those emails, discussing (a) the drafting or launch of the survey (b) the running of the survey (c) the public response to the survey and (d) any analysis of the responses to the survey.	Section 40(2) of the Freedom of Information Act. Personal data protected by the Data Protection Act 1998 (DPA). Personal data is defined in Section 1(1) of the DPA.

This Annex sets out the reasons for the engagement of Sections 22(1), 12 and 40(2) of the FOIA and our subsequent consideration of the Public Interest Test.

Whilst a requester may have a legitimate interest in accessing the information, the effect of the FOIA is to make the requested information freely available to anyone and everyone to access and use. In considering whether any exemptions are engaged we have to consider the effects of this disclosure to the World at large rather than to those making the request.

Sections 22(1) “Information intended for future publication”

Regarding questions a, b, c and d, whilst we can confirm that the Welsh Government holds information of this description, it is considered exempt under Section 22 of the FOIA. This states (inter alia):

1) Information is exempt information if—

*(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).*

We can confirm that the conditions under (a), (b) and (c) are satisfied. The #TalkParenting survey ran from 2 October to 24 November 2017 and was part of a public engagement campaign seeking to engage informally with parents, guardians and carers ahead of formal consultation.

The formal consultation on legislative proposals to remove the defence of reasonable punishment was launched on 9 January 2018. Following the closure of this consultation on 2 April 2018, a summary analysis report which includes the requested information will be published online as part of the planned consultation process.

Section 22 is subject to the public interest test. This means that in order to withhold information under it, it has to be shown that the public interest in withholding the information outweighs that of releasing it.

We recognise that there is a wide range of views about the Welsh Government's commitment to introduce legislation to remove the defence of reasonable punishment. The manifesto commitment is reaffirmed in "Taking Wales Forward", the Programme for Government, and in the national strategy "Prosperity for All" and the Welsh Government's progress in delivering these is subject to scrutiny. In addition, there is a high level of public and media interest in this policy area, particularly due to the ongoing consultation exercise which was launched on 9 January and which will close on 2 April.

Whilst we acknowledge the information would be of public and media interest if released at this time, we believe providing incomplete information at this stage would be misleading and not present the complete picture which will be detailed in the consultation analysis report. This report will take into consideration the responses received to the #TalkParenting survey and the responses received as part of the consultation. Furthermore, publication of the requested information in isolation at this stage in the consultation process, and without an explanatory narrative, could influence the outcome of the consultation exercise and bias responses.

We are of the view that it would provide the public with a clearer understanding of the issues and our actions if all of the information informing our decision making is released at the same time. We believe, therefore, that the requested information should be withheld under section 22 of the FOIA.

Section 12(1) - application of the "appropriate limit"

With regard to question i, we estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to provide you with the information that you have requested. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it. It is estimated that to answer this question it would take approximately 77 hours; consequently, we have decided not to provide you with the information based on the following analysis:

- A search of an individual's outlook inbox using the term "talkparenting" to identify relevant email subject headers between 1 July 2017 and 1 February 2018 identified 74 emails / email threads. A review of these emails identified that they potentially contained relevant information – this took 150 minutes.
- A general review of emails from the period from mid October to 1 February 2018 to identify 21 emails / email threads as potentially containing relevant information – this took 45 minutes. Using this sample, it is estimated that it would take a further 45 minutes to identify emails that may potentially contain relevant information between 1 July and mid October 2017.
- It is anticipated that a search of the individual's outlook sent items is likely to return a similar number of emails which may potentially contain relevant information. It is accepted that most of these emails will be duplicates of emails in the inbox but this would need to be confirmed and any additional relevant information retrieved. This could take at least 150 minutes based on the work detailed above.
- This could mean that retrieving and extracting relevant information from team member would take approximately 390 minutes.
- Another 5 civil servants are expected to hold a similar amount of potentially relevant information in their mailboxes which would need to be searched to check if any additional information was held – estimated time needed 1,950 minutes.
- At least 15 other civil servants may hold additional and potentially relevant information, and time for identification and extraction of relevant information is estimated to be 150 minutes per person. This totals 2,250 minutes.

Section 40(2) – "Personal Data"

In response to question j, whilst we can release the requested information, personal data is considered exempt under Section 40(2) of the Freedom of Information Act (FOIA).

This section sets out the reasons for the engagement of Section 40(2) of the FOIA relating to personal information protected by the Data Protection Act 1998 (DPA).

Section 1(1) of the DPA states –

"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 requested contains third party personal data. Under Section 40(2) of the FOIA, 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 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 believe that information contained in the Freedom of Information request, and in our response to that request will identify data subjects, that would clearly fall 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 1.5) states (at p11):

- *The starting point is to consider whether it would be fair to the data subject to disclose their personal data. The key considerations in assessing this are set out in the section on Fairness below.*
- *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).

In this instance, the civil servants would have had no expectation that their personal information would be made public. Furthermore, we recognise there are differing views on, and strong feelings about, the legislative proposals to remove the defence of reasonable punishment and that there is potential that individuals could be targeted by anonymous third parties on social media platforms. It would be unfair to open individuals to online abuse or bullying for simply carrying out their normal duties as civil servants. Thus, we believe 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 the public interest tests.