

17 October 2023

Dear

**ATISN 18972**

Thank you for your request which I received on 12 September 2023, you asked for the following:

*Further information on the responsibility/topic/portfolio area that the 2022-23 special advisers, [announced](#) by the First Minister on 24 August, cover. Also, contact information for each SpAd, along with the minister they advise.*

- *Alex Bevan*
- *Madeleine Brindley*
- *Steffan Bryn*
- *Daniel Butler*
- *Ian Butler*
- *David Davies*
- *Kate Edmunds*
- *Sara Faye*
- *Clare Jenkins*
- *Owen John*
- *Andy Pithouse*
- *Jane Runeckles*
- *Mitchell Theaker*
- *Tom Woodward*
- *Emily Edwards*
- *David Hooson*
- *Sam Hadley*
- *Phillipa Marsden*

The above are all employed as Policy Advisors and provide a range of policy advice to the First Minister and his Ministerial team. Regarding individuals contact information, I have concluded the information requested is exempt under Section 40 of the Freedom of Information Act (2000). I have set out at Annex 1, the reasons for non disclosure. You can of course contact the Welsh Government's Press Office if you have any questions concerning Welsh Government Policy.

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 e-mail: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

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

Telephone: 0303 123 1113

Website: [www.ico.org.uk](http://www.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

## Annex 1

### **Section 40(2) – Personal Data**

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual. I have concluded this relates to the contact information.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

*“processed lawfully, fairly and in a transparent manner in relation to the data subject”*

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

*“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.*

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

#### **1. Legitimate Interest Test**

Welsh Government acknowledges the legitimate interests of openness and transparency that release would engender.

#### **2. Is disclosure necessary?**

I have given consideration to the effects of disclosure of the information to the world at large, as the information is made available to anybody and everybody, not just the requestor. As such, when considering your request, I have also considered the wider effects of disclosure rather than any personal interest you may have in being provided with the information. Finally, I have considered the request to disclose information against the

already established means of communication with Welsh Government which are available to members of the public (details of which can be found here [Contact the Welsh Government | GOV.WALES](#))

### **3. The Balancing Test**

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.