



Male and Female Support Staff

11 March 2022

Request for Information.

Thank you for your request received on 17 February in which you asked:

- a. *If you hold the information please could you tell me the breakdown, in numbers, of male and female support staff who work for/ are employed by Members of the Senedd.*
- b. *If possible, could you also provide the number of male and female support staff employed in each of the 4 salary bands.*

a. If you hold the information please could you tell me the breakdown, in numbers, of male and female support staff who work for/ are employed by Members of the Senedd.

We can confirm that we hold the information requested. The breakdown of male and female support staff employed by Members of the Senedd is as follows (as of 21 February 2022):

Female	Male	Total Headcount
141	120	261

- b. *If possible, could you also provide the number of male and female support staff employed in each of the 4 salary bands.*

We can confirm that we hold the information requested and most of this information has been set out below. However, some of the information you have requested constitutes personal data for the purposes of the United Kingdom General Data Protection Regulation (UK GDPR).

A disclosure of the number of male support staff employed in the 'Chief of Staff' salary band would, in our view, contravene the first data protection principle as set out in Article

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5 of the UK GDPR. As such, this information is exempt from disclosure under section 40(2) and section 40(3A)(a) of the Freedom of Information Act 2000 ("FOIA 2000"). Further reasoning for this conclusion is set out in the [annex](#) to this letter.

However, in an effort to provide you with information, whilst complying with our duties under the UK GDPR, we have provided these details in an anonymised form in the table below (as of 21 February 2022):

Salary Band	Female	Male
Chief of Staff	0	Fewer than 5
Senior Advisor/Additional Group Staff	8	18
Band 1	47	38
Band 2	44	37
Band 3	44	26

Please note: the total headcount figures will not tally with the breakdown by salary band. This is because some support staff have more than one role and are paid at a different salary band for each role.

Yours sincerely

Buddug Saer
Freedom of Information Manager
Welsh Parliament

Your request has been considered according to the principles set out in the **Code of Practice on Public Access to Information**. If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance below.

Cause for concern or complaint with your FOI response?

If you are dissatisfied with the Welsh Parliament's handling of your request, you can request an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Freedom of Information Manager at:

Information-request@senedd.wales or in writing to

Welsh Parliament
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Cardiff Bay
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Annex

The information sought falls within the definition of personal data as set out in Article 4 of the UK GDPR, being:

“any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person 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, psychological, genetic, mental, economic, cultural or social identity of that natural person”.

Personal information is exempt from disclosure under section 40(2) and 40(3A)(a) of FOIA 2000 where disclosure would contravene one or more of the data protection principles within the UK GDPR. The principle relevant on this occasion is the first data protection principle.

The first data protection principle as set out in Article 5 of the UK GDPR states that:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’)”.

In addressing whether a disclosure would be fair, we have considered the consequences of disclosure, the reasonable expectations of the persons concerned and the balance between their rights and any legitimate interest in disclosure. Our conclusion is that disclosure would be unfair.

Members’ support staff are employed directly by the Member of the Senedd (MS) and are answerable to them. They would not have a reasonable expectation that personal data relating to their employment would be disclosed by the Senedd Commission. Although working for an elected representative, they do not have a public facing role, are not publicly accountable like Members and have no expectation that information relating to their employment, especially that of a financial nature, will be made public.

By releasing the requested information, it may be possible to identify those Members’ support staff who fall within the ‘Chief of Staff’ salary band, in part due to the low figure involved. This has the potential to cause harm or distress.

Notwithstanding our view as to fairness, we went on to consider Article 6 of the UK GDPR. None of the legal bases in Article 6 are relevant other than Article 6(1)(f), which allows the processing of personal data if:

"Processing is necessary for the purposes of legitimate interests pursued by the controller or by the 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."

This condition involves a three-part test:

- There must be a legitimate public interest in disclosing the information;
- The disclosure must be necessary to meet that public interest; and
- The disclosure must not override the interests, fundamental rights or freedoms of the data subject.

We have given careful consideration to the relevant interests which include: the Senedd's obligations under the UK GDPR and the Data Protection Act 2018; your right to access this information; the nature of the individuals' roles and their right to privacy; and the public interest in this information being disclosed.

There is a public interest in transparency and accountability in general, and in knowing the parameters within which, and the level at which, Members receive support to enable them to fulfil their functions, including the provision of staffing support. There is also a public interest in understanding to what degree that support is utilised by individual Members.

There is also a public interest in knowing the gender ratio of individuals employed in roles that fall within particular salary bands using public expenditure, so that this can be scrutinised both in terms of equalities and the use of public expenditure in general.

However, Members' support staff do not have a public facing role (unlike that of an elected representative) and would not have a reasonable expectation that this information would be released. Many of the points made in relation to fairness also weigh in favour of maintaining the exemption.

In terms of public expenditure, the Senedd Commission **publishes** the annual staffing expenditure of each Member who employs three or more staff on the Senedd website.

In our view, the legitimate public interest is met in this instance by the disclosure of the information in anonymised form, as well as responding in full to other aspects of your request. Therefore, we do not feel it is necessary to disclose the information requested in order to meet the test of necessity, nor is it our view that the legitimate interest overrides the interests, fundamental rights or freedoms involved. As such, whilst there is a

legitimate public interest in disclosure, the other aspects of the three-part test are not satisfied and disclosure by the Senedd Commission would be unlawful.