



# IT Contractors

27 February 2018

## Request for Information.

Thank you for your request received on 9 February in which you asked:

- 1. The number of IT contractors (contingency labour) employed as a resource between 1/01/2017 - 31/12/2017 across all IT specialisms.*
- 2. The total agency spend on IT contractors (contingency labour) for all IT specialisms between the dates listed above for South Wales.*
- 3. An organisational chart for the IT department within South Wales.*

Please see our response to your questions below:

1. Fewer than three. To disclose further information would, in our view, contravene the first data protection principle as set out in the Data Protection Act 1998. As such, the information is exempt from disclosure under section 40(2) and section 40(3)(a)(i) of the Freedom of Information Act 2000. Further reasoning for this conclusion is set out in the [Annex](#) to this letter.
2. To total spend for the period requested was £47,830.
3. The following diagram is an organisational chart for the ICT department within the National Assembly for Wales Commission.

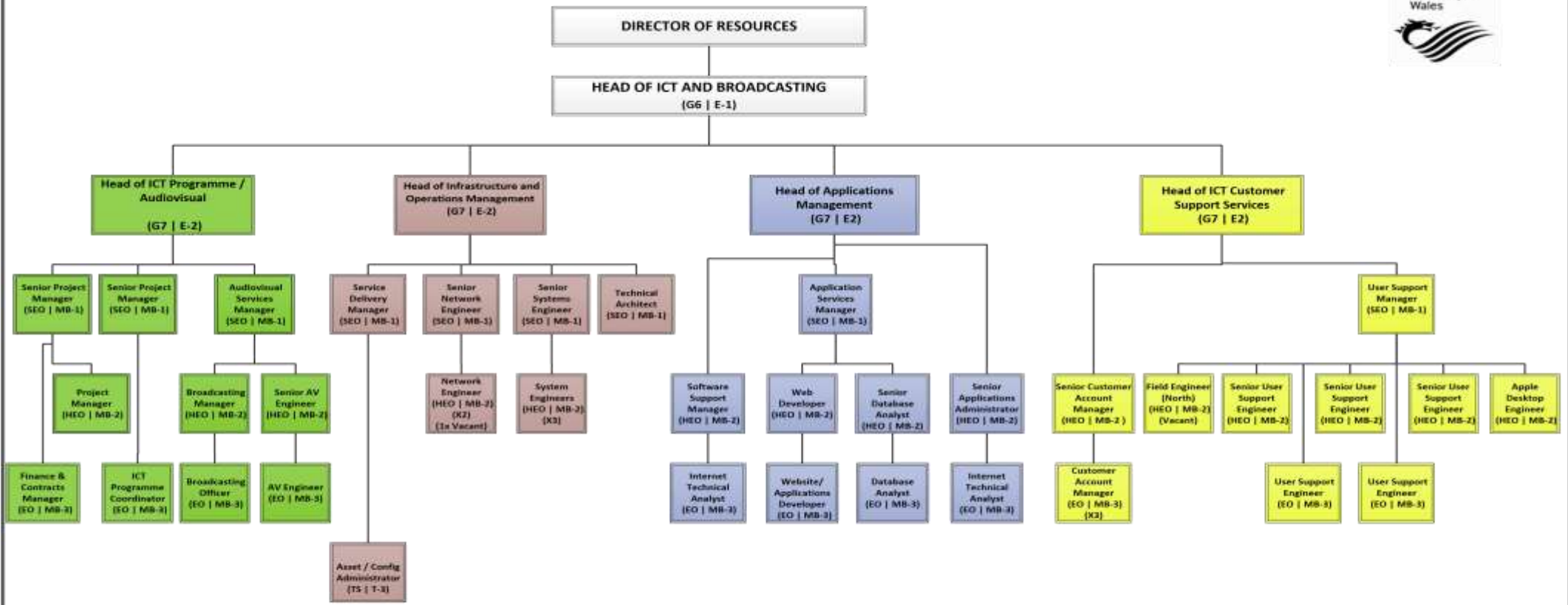
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**ICT Structure – Infrastructure & Service Delivery**

Date: Sep 2017

Version: 1.0



FTE Breakdown	
Head of Service	1FTE
Programme & Audio-visual	11 FTE
Infrastructure	11FTE
Applications Management	10 FTE
ICT Customer Services	13 FTE
<b>Total</b>	<b>46 FTE</b>

Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. The code is published on our website at [http://www.assemblywales.org/abthome/about\\_us-commission\\_assembly\\_administration/abt-foi/abt-foi-cop-pub.htm](http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/abt-foi/abt-foi-cop-pub.htm)

If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance at the end of this letter.

Yours sincerely

**Freedom of Information Manager  
National Assembly for Wales**

## ANNEX

### Section 40 of the Freedom of Information Act 2000

Some of the information sought falls within the definition of personal data as set out in the Data Protection Act 1998, being:

“data which relate 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”.

It is, therefore, information which is exempt from disclosure under section 40(2) and section 40(3)(a)(i) of the FOIA where disclosure would contravene any of the data protection principles. The principle relevant on this occasion is the first data protection principle.

The first data protection principle as set out in Schedule 1 to the Data Protection Act 1998 states that:

“Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless at least one of the conditions in Schedule 2 is met...”

In addressing whether a disclosure would be fair, we have considered the consequences of disclosure, the reasonable expectations of the data subjects whose personal data would be disclosed and the balance between their rights, our duties and any legitimate interest in disclosure.

Our conclusion is that a disclosure would be unfair. Notably, the information has not been in the public domain. The consequences of disclosure would, in all likelihood, be troubling to the data subjects as a financial calculation could identify them as individual and incidentally disclose their financial position.

Notwithstanding our view as to fairness, we went on to consider Schedule 2 to the Data Protection Act 1998. None of the conditions in Schedule 2 is relevant other than paragraph 6, which allows the processing of personal data if:

“The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom

the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject."

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 cause unwarranted interference with the rights, freedoms and legitimate interest of the data subjects.

There is a legitimate public interest in transparency in general terms as regards the operation of the Assembly Commission, which is why we have disclosed the total amount paid to the agency during a calendar year for specialist ICT resources. However, we can see no legitimate public interest in disclosing the personal data of specific specialist ICT staff. Our conclusion, therefore, is that it would not be possible to meet a Schedule 2 condition. Accordingly, we did not consider the remaining limbs of the test.

Cause for concern or complaint with your FOI response?

If you believe that I have not applied the Code correctly or have not followed the relevant laws, you may make a formal complaint to the Chief Executive and Clerk at the National Assembly for Wales, Cardiff Bay. Details of the Assembly's complaints principles are set out in the Code of Practice on Complaints available on the Internet at <http://www.assembly.wales/en/help/contact-the-assembly/con-complaint/Pages/con-complaint-procedure.aspx>. Please advise me if you wish to receive a printed copy.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF