

## Salary details of family members employed by Assembly Members



12 January 2015

### Request for Information.

Thank you for your request received 10<sup>th</sup> of December in which you asked:

*Please can you provide the following regarding employment of family members by Welsh AMs. For each family member currently employed by the Assembly Member, please provide details of their salaries.*

I can confirm that we hold the information requested. However, it comprises personal data for the purposes of the Data Protection Act 1998. A disclosure of the respective sums paid to individual support staff would, in our view, contravene the first data protection principle of the Data Protection Act 1998. As such, it is exempt from disclosure under section 40(2) and section 40(3)(a)(i) of the Freedom of Information Act 2000 ('the Act'). 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 Data Protection Act 1998, we have provided details of staff salaries in an anonymised form.

	April 2014-November 2014
<b>Band 1</b> (£23,049 - £32,532)	4
<b>Band 2</b> (£19,684 - £28,856)	7
<b>Band 3</b> (£17,824 - £24,037)	5
<b>Total number of AMSS</b>	16
<b>Total gross salary paid</b>	£174,028

Assembly Members are entitled to resources to employ staff and run offices in their constituencies so that they can deal with issues and cases raised by the people they represent. The resources available to Assembly Members are set by the National Assembly for Wales Remuneration Board ('the

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Remuneration Board'). The Remuneration Board's Determination on Members' Pay and Allowances ('the Determination') states that an Assembly Member may claim an allowance to cover the salary for up to three permanent full time equivalents (in practice this can comprise of both full and part time staff). Further information can be found at paragraph 7.1 of the latest [Determination](#).

Assembly Members' support staff are employed on set pay bands and on set pay points, as outlined in the Determination and must be employed in line with the Recruitment Policy issued by the Members' Business Support team.

The recruitment policy states that:

*The appointment of the employing Assembly Member's family members will only be permitted where the Assembly Member plays no part in the selection process, which will instead be conducted by the Members' Business Support team.*

*Where the family member is not shortlisted or decides to withdraw, the process will be handed back to the Assembly Member at that stage.*

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

**Buddug Saer**  
**Freedom of Information and Project Support Officer**  
**National Assembly for Wales**

## Annex

The information sought (being the salaries of current Assembly Member Support Staff who are family members of their employers) falls within the definition of personal data 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 Act 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 persons concerned and the balance between their rights and any legitimate interest in disclosure. Our conclusion is that a disclosure would be unfair. The salary payments in question are made pursuant to the provision of employment services by staff to their employing Assembly Member. In turn, the sums relate to their financial positions and are private in nature. The staff have no expectation that information relating to the detail of their remuneration will be made public. Instead, the rules pursuant to which payments may (or may not) be made are published, as stated in the [Determination](#).

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 are 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 public interest in transparency in general, and in particular in knowing the parameters within which, and the level at which, Assembly Members receive support to enable them to fulfil their functions, to include the provision of staffing support. In our view, the public interest is met in this particular instance by the disclosure of the total sum paid together with the disclosure in in anonymised form.

In the circumstances, the disclosure of the respective sums paid to individual support staff is not necessary to meet the public interest. Our conclusion, therefore, is that it would not be possible to meet a Schedule 2 condition.

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.assemblywales.org/conhome/con-complaint.htm>. 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