



Support Staff Costs

20 August 2021

Request for Information.

Thank you for your request received on 12 July in which you asked:

Under the Fol Act, I would like to know the following:

In addition to her salary, what payments were made to Andrew R. T. Davies's wife while she was employed as his P.A./Researcher, including expenses, overtime, travel, subsistence, etc? I would like figures for each year since employment began please.

Please see our response below.

We can confirm that we hold details of the salary and expenses paid to Andrew R. T. Davies's wife while she was employed by him.

The salary and expenses paid to the individual constitutes personal data for the purposes of the United Kingdom General Data Protection Regulation (UK GDPR).

A disclosure of the respective sums paid to an individual member of support staff in terms of salary and expenses would, in our view, contravene the first data protection principle as set out in Article 5 of the UK GDPR. As such, it 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.

Notwithstanding the above, we can tell you that expenses claims paid to Members' support staff (and Members) are published on our **allowances system**. Individual members of support staff are not named in this publication.

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If you should need any detailed instructions on how to search the expenses database, please let me know.

Since April 2019 the Senedd Commission has published the **annual staffing expenditure** of each Member. As a result, for the years 2018-19, 2019-20 and 2020-21, the total sums paid in respect of Andrew R. T. Davies are available online.

The figures for the years prior to the routine publication are listed below:

Financial Year	Total
2007-08	£61,742
2008-09	£73,688
2009-10	£80,768
2010-11	£79,781
2011-12	£76,633
2012-13	£87,482
2013-14	£88,217
2014-15	£84,780
2015-16	£86,365
2016-17	£88,596
2017-18	£87,539

Yours sincerely

**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
Governance and Assurance
Cardiff Bay
Cardiff
CF99 1SN

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

Annex

The information sought falls within the definition of personal data as set out in Article 4 of the UK General Data Protection Regulation ("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 person concerned and the balance between her rights and any legitimate interest in disclosure. Our conclusion is that a disclosure would be unfair.

Relatives employed by Members of the Senedd are a specific and small group of support staff whose names, job title and hours worked per week are already published on the **Register of Members' Interests** (please see the archive lists at the end of the page). Those members of support staff work for elected representatives, but they are not themselves elected. An individual's remuneration relates to their personal financial position and is private in nature. Such staff, although related to elected representatives, 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 on Members' Pay and Allowances** which is set by the **Remuneration Board**.

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.

There is a public interest in transparency in general, and in particular in knowing the parameters within which, and the level at which, Members of the Senedd receive support to enable them to fulfil their functions, to include the provision of staffing support. We also accept that there is an increased public interest where support staff are relatives of their employer. However, in our view, the public interest is met in this instance by the publication of information on the Register of Members' Interests, the publication of annual staffing expenditure, the publication of expenses and the Remuneration Board's Determination. The Determination sets out the allowances available to Members of the Senedd to secure staffing support. In relation to each type of support it details the circumstances in which sums may be paid, and any applicable maxima.

In the circumstances, the disclosure of the respective sums paid to individual support staff is not necessary to meet the public interest.