



Mark Drakeford's political Senedd leaflet

20 April 2021

Request for Information.

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

I would like to see all correspondence relating to Mark Drakeford's political Senedd leaflet which is being delivered right now.

I am unsure how permission could be granted for such material to go out just before an Election.

I'm interested to see the submission of the leaflet and the advice given.

We can confirm that we hold the information requested, which is attached to this letter as a PDF document. (Please email informationrequest@senedd.wales to receive this information).

Some redactions have been made to the information provided on the basis that it constitutes personal data and is exempt from disclosure under section 40(2) and (3A)(a) of the Freedom of Information Act 2000. Further reasoning for the conclusion reached in relation to this information is set out in **annex** to this letter.

Yours sincerely

**Freedom of Information Manager
Welsh Parliament**

Senedd Cymru
Bae Caerdydd
Caerdydd, CF99 1SN

Welsh Parliament
Cardiff Bay
Cardiff, CF99 1SN
Ffôn/Tel: 0300 200 6224

E-bost/Email: Ceisiadau-gwybodaeth@senedd.cymru
Information-request@senedd.wales

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

Some of the information sought falls within the definition of personal data as set out in Article 4 of the United Kingdom 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 Freedom of Information Act 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 the disclosure of this information 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. The disclosure of the personal data of some individuals would not be reasonably expected by them, nor substantively assist in providing a full response to the crux of your request. Those individuals for whom there is a greater interest in the disclosure of their personal data, including Members of the Senedd, have not been redacted.

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 the manner in which elected representatives utilise public funds. However, in our view the public interest is met in this instance by the disclosure of much of the content of the documents and correspondence within scope of the request, as well as the release of the personal data of individuals for whom there is a greater expectation of disclosure. Other individuals are not employed in a public-facing role nor have a level of seniority that would increase the public interest in disclosure sufficiently to justify overriding their interests, fundamental rights or freedoms. The arguments in favour of disclosing the withheld information do not, in our view, outweigh the interests, fundamental rights or freedoms of those data subjects.

In the circumstances, the disclosure of the withheld information is not necessary to meet the public interest.