



Access to the Senedd Estate

21 January 2021

Request for Information.

Thank you for your request received on 24 November in which you asked:

I wish to make a Freedom of Information request. Please could you inform me of the following:

- 1. Which political groups have requested that their support staff work from the Senedd Estate (including the Senedd, Ty Hywel and the Pierhead building) since the start of the initial Covid lockdown period from 23rd March 2020? Please indicate the date of these requests and if the requests were approved or not.*
- 2. Which MSs have requested that their support staff work from the Senedd Estate (including the Senedd, Ty Hywel and the Pierhead building) since the start of the initial Covid lockdown period from 23rd March 2020? Please indicate the date of these requests and if the requests were approved or not.*

The information you have requested is provided in the tables below.

For information - the tables are based on requests we have received to attend and not on actual attendance. It is based on the system that has been in place since the summer of 2020 where requests to attend site are submitted for the following week.

1. The following table is a list of political groups who have made requests for support staff to work from the Senedd estate since 16 August 2020. We do not hold any information collected between 23 March 2020 and 15 August 2020.

| Political Group |
|-----------------|
|-----------------|

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

| |
|---------------------------------------|
| Plaid Cymru |
| Welsh Conservative Party |
| Independent Alliance for Reform Group |
| Brexit Party |
| Welsh Labour |

Your request asked for the dates of these requests, but we are unable to provide you with this level of detail as to do so would leave some individuals identifiable. Doing so would, therefore, constitute personal data. It is, therefore, subject to the 'personal information' exemption under section 40 of the Freedom of Information Act 2000 (FOIA). This exemption applies where the requested information constitutes personal data and disclosure would contravene any of the data protection principles set out in the United Kingdom General Data Protection Regulation (UK GDPR). Further reasoning for this is in the **annex** to this letter.

- The following table is a list of Members of the Senedd who have made requests for their support staff to work from the Senedd Estate (including the Senedd, Ty Hywel and the Pierhead building) since 16 August 2020. We do not hold any information collected between 23 March 2020 and 15 August 2020.

Please refer to question 1 as to why we are unable to provide you with the specific dates of these requests.

| Members of the Senedd | | |
|------------------------------|----------------------|------------------|
| Rebecca Evans | Darren Millar | Neil McEvoy |
| Vaughan Gething | Jack Sargeant | Delyth Jewell |
| Jenny Rathbone | Mark Reckless | Neil Hamilton |
| Mandy Jones | Russell George | David Rowlands |
| Nick Ramsay | Paul Davies | Rhianon Passmore |
| Lynne Neagle | Laura Ann Jones | Joyce Watson |
| Andrew RT Davies | Janet Finch-Saunders | Suzy Davies |

| | | |
|------------------|-------------|----------------|
| Alun Davies | Hefin David | Gareth Bennett |
| Helen Mary Jones | | |

If you need anything further from us, please let me know.

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 Senedd'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

Senedd
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

Section 40 FOIA: disclosure of personal data would be in breach of the UK GDPR

The definition of personal data is set out in Article 4 of the UK GDPR, being:

“any information relating to an identified or identifiable 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, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

The information requested, which relates to the specific dates when Members support staff have attended the Senedd estate to work, leaves certain political group and support staff members identifiable.

Personal information is exempt from disclosure under section 40(2) and section 40(3A)(a) of the FOIA where disclosure would contravene one or more of the data protection principles set out in 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 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. Support and group staff are employed directly by Members of the Senedd to support them and/or their political group in their constituency and Senedd work. They are not subject to the same level of public scrutiny as elected representatives and would not have a reasonable expectation that this information would be disclosed. The Senedd Commission was in receipt of this information to manage numbers on the Senedd estate during the current pandemic, rather than subject support and political group staff to increased scrutiny as to how they fulfil the role to which they are employed.

By releasing the dates as requested, along with information that is publicly available about the number of support staff employed by a particular Member and, in some instances, their telephone numbers (which can identify working location), some individuals would be identifiable.

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

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a 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 subjects.

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 individuals’ concerned and their right to privacy; and the public interest in this information being disclosed.

There is a general public interest in the actions of elected representatives, especially during a public health emergency. However, support and group staff are not subject to the same level of public scrutiny and, when attending the estate, are simply following the request of their employer. As such, any general public interest in disclosure does not override the interests, fundamental rights or freedoms of those support and political group staff.

In our view, the information provided in the tables is a balanced way of meeting the public interest by disclosing the elected representatives and political groups who have requested that their staff attend the Senedd estate, whilst ensuring the interests, fundamental rights or freedoms of support and political group staff are not jeopardised.